

H.B. 1490	Effective August 27, 1979
H.B. 1521	Effective immediately
H.B. 1627	Effective immediately
H.B. 1781	Effective immediately
S.B. 154	Effective August 27, 1979
S.B. 255	Effective August 27, 1979
S.B. 293	Effective May 15, 1979
S.B. 315	Effective immediately
S.B. 394	Effective August 27, 1979
S.B. 514	Effective August 27, 1979
S.B. 529	Effective September 1, 1979

SEVENTY-FOURTH DAY

(Friday, May 18, 1979)

The Senate met at 9:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Andujar, Blake, Braecklein, Creighton, Farabee, Harris, Howard, Jones of Taylor, McKnight, Meier, Mengden, Moore, Ogg, Price, Santiesteban, Short, Snelson, Traeger, Williams.

Absent: Brooks, Clower, Doggett, Jones of Harris, Kothmann, Longoria, Mauzy, Parker, Patman, Schwartz, Truan, Vale.

The roll call reflected the absence of a quorum.

Senator McKnight moved a Call of the Senate for the purpose of transacting business.

The motion was duly seconded by Senators Traeger, Moore, Howard, Santiesteban, Meier, Blake, Mengden and Short and was ordered by the following vote: Yeas 15, Nays 2, 1 Present-Not voting.

Yeas: Andujar, Blake, Creighton, Farabee, Howard, Jones of Taylor, McKnight, Meier, Mengden, Moore, Ogg, Price, Santiesteban, Short, Traeger.

Nays: Braecklein, Snelson.

Present-Not voting: Williams.

Absent: Brooks, Clower, Doggett, Harris, Jones of Harris, Kothmann, Longoria, Mauzy, Parker, Patman, Schwartz, Truan, Vale.

The President directed the Sergeant-at-Arms to close all doors leading from the Senate Chamber and to bring in the absent Members to the Senate Chamber, but if the absentees did not return voluntarily that they be arrested and brought back to the Senate Chamber.

AT EASE

The President announced at 10:01 o'clock a.m. that the Senate would stand At Ease pending the securing of a quorum.

IN LEGISLATIVE SESSION

The President called the Senate to order as In Legislative Session at 5:43 o'clock p.m.

AT EASE

The President announced at 6:10 o'clock p.m. that the Senate would Stand At Ease pending the securing of a quorum and that the Call of the Senate remain in effect.

Saturday, May 19, 1979

IN LEGISLATIVE SESSION

The President called the Senate to order as In Legislative Session at 9:14 o'clock a.m.

AT EASE

On motion of Senator Meier the Senate agreed at 9:37 o'clock a.m. to Stand At Ease Subject to the Call of the Chair, with the Call of the Senate remaining in effect.

IN LEGISLATIVE SESSION

The President called the Senate to order as In Legislative Session at 2:07 o'clock p.m.

AT EASE

The President announced at 2:40 o'clock p.m. the Senate would Stand at Ease Subject to the Call of the Chair.

Sunday, May 20, 1979

IN LEGISLATIVE SESSION

The President called the Senate to order as In Legislative Session at 1:39 o'clock p.m.

AT EASE

The President announced at 2:07 o'clock p.m. the Senate would Stand At Ease Subject to the Call of the Chair pending the securing of a quorum.

Monday, May 21, 1979

IN LEGISLATIVE SESSION

The President called the Senate to order as In Legislative Session at 10:34 o'clock a.m.

AT EASE

The President announced at 10:48 o'clock a.m. the Senate would Stand At Ease Subject to the Call of the Chair.

Tuesday, May 22, 1979

IN LEGISLATIVE SESSION

The President called the Senate to order as In Legislative Session at 10:30 o'clock a.m.

AT EASE

The President at 10:53 o'clock a.m. announced the Senate would Stand at Ease until 3:00 o'clock p.m. today.

IN LEGISLATIVE SESSION

The President at 3:00 o'clock p.m. called the Senate to order as In Legislative Session.

CALL OF THE SENATE DISSOLVED

At 3:00 o'clock p.m. Senator Howard moved to dissolve the Call of the Senate.

The motion prevailed.

RECORD OF VOTE

Senator McKnight asked to be recorded as voting "Nay" on the motion to dissolve the Call of the Senate.

The roll was called and the following Senators were present: Andujar, Blake, Brooks, Clower, Creighton, Doggett, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Mauzy, McKnight, Meier, Mengden, Moorc, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Short, Snelson, Tracer, Truan, Vale, Williams.

Absent: Brackklein.

A quorum was announced present.

Chaplain Gerald Mann, University Baptist Church, Austin, offered the invocation as follows:

Our Father, remind us today of one of the great lessons of history: the bee always fertilizes the flower it robs. Amen.

On motion of Senator Moore and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

House Chamber
May 18, 1979

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I AM DIRECTED BY THE HOUSE TO INFORM THE SENATE THAT THE HOUSE HAS PASSED THE FOLLOWING:

S.B. 10 Amending Section (b); Article 1.07, Title 79, Revised Civil Statutes of Texas, 1925, as amended (Article 5069-1.07, Vernon's Texas Civil Statutes); fixing maximum rates of interest for certain loans or other extensions of credit of \$250,000 or more; providing a saving clause; providing for prospective application of this Act; and declaring an emergency. (With amendments)

S.B. 767 Relating to the licensing and regulation of home health care agencies. (With amendments)

S.B. 490 Relating to longevity pay for investigators who are employed by district attorneys, criminal district attorneys, or county attorneys and who are designated as peace officers under Article 2.12, Code of Criminal Procedure, 1965, as amended; and declaring an emergency.

S.B. 811 Amending Subtitle 3, Title 79, Interest-Consumer Credit-Consumer Protection, Revised Civil Statutes of Texas, 1925, as amended, by adding a new Chapter 10 relating to revolving lines of credit available from certain creditors; regulating, authorizing and limiting certain loan contract requirements, provisions and practices; regulating and limiting interest rates; providing for penalties; and declaring an emergency.

S.B. 805 Relating to medical and rehabilitative services for children.

All necessary rules suspended, and the House concurred in Senate Amendments to House Bill No. 1413 by a non record vote.

S.B. 828 Relating to the regulation of adult day care and adult day health care programs.

S.B. 1202 Relating to the issuance of a search warrant to search for property constituting evidence of an offense.

S.B. 324 Relating to a required probationary and training period for jailers and guards at county jails; providing penalties. (With amendment)

S.B. 267 Relating to amendment of Paragraph 1 of Subdivision A of Part II of Article 3.39 of the Texas Insurance Code, as amended, to provide that domestic life insurance companies may loan any of their funds and accumulations on first liens upon real estate, setting certain limitations and conditions upon such loans and declaring an emergency. (With amendment)

S.B. 1157 Relating to the Texas Commission for the Deaf. (With amendment)

S.B. 296 Relating to the establishment of a housing program for families and individuals of low income and families of moderate income. (With amendments)

S.B. 636 Amending the Texas Mobile Homes Standards Act, Chapter 656, Acts of the 61st Legislature, Regular Session, 1969, as last amended by Chapter 139, Acts of the 65th Legislature, Regular Session, 1977 (Article 5221f, Vernon's Texas Civil Statutes); and declaring an emergency. (With amendments)

S.B. 1071 Relating to regulation of traffic on beaches; providing penalties. (With amendment)

S.B. 1069 Relating to the penalty for attempting to limit access to a public beach. (With amendments)

S.B. 526 Providing that payment of royalties on oil and gas and all related payments for the benefit of the Permanent University Fund be made to the Board of Regents of The University of Texas System instead of to the Commissioner of the General Land Office; amending Chapter 66, Subchapter D, Sections 66.65, 66.68, 66.70, 66.73, 66.74, 66.77, and 66.78, Texas Education Code, as amended; and declaring an emergency.

S.B. 562 Relating to a university center student fee for Stephen F. Austin State University. (With amendment)

S.B. 582 Relating to the imposition, levy, and collection of local sales and use tax by certain cities and certain metropolitan rapid transit authorities; clarifying the imposition and allocation of local use tax; defining "place of business" for local sales and use tax (With amendment)

S.B. 108 Relating to inspection of certain motor vehicles before registration. (With amendment)

S.B. 389 Relating to local option elections in certain cities that lie in multi-counties. (With amendment)

S.B. 766 Relating to the composition of the Board of Trustees of the Policemen's and Firemen's Pension Fund and the City's and member's contribution rate; amending Sections 1 and 14, Chapter 4, Acts of the 43rd Legislature, 1st Called Session, 1933, as amended (Article 6243a, Vernon's Texas Civil Statutes); and declaring an emergency. (With amendment)

S.B. 463 Relating to transfer of the land, buildings, facilities and other property of the Waco State Home to the Texas Department of Mental Health and Mental Retardation and providing for transfer of funds. (With amendments)

S.B. 313 Consolidating the State Board of Registration for Public Surveyors and the State Board of Examiners for Licensed State Land Surveyors into Texas Board of Land Surveying and defining the powers, duties, functions, and administration of said Board; providing offenses and penalties, and declaring an emergency. (With amendments)

S.B. 384 Relating to the Texas Cosmetology Commission; amending Section 2, Chapter 1036, Acts of the 62nd Legislature, Regular Session, 1971, as amended (Article 8451a, Vernon's Texas Civil Statutes); and declaring an emergency. (With amendments)

S.B. 277 Relating to funerals and embalming; providing penalties. (With amendments)

S.B. 797 Relating to regulation of persons who practice public accountancy; providing penalties. (With amendments)

S.B. 287 Relating to the regulation of attorneys. (With amendments)

All necessary rules suspended, and the Conference Committee Report on Senate Bill No. 555 adopted by a non record vote.

HCR 168, Relating to costs of basic group life, accident, and health insurance coverages for all employees of Texas state colleges and universities.

HJR 34, A joint resolution proposing a constitutional amendment to increase the membership of the State Commission on Judicial Conduct.

HB 2200, A bill to be entitled An Act making an appropriation to the Board of Control for repairs to the Sam Houston State Office Building; and declaring an emergency.

LOCAL AND CONSENT CALENDAR

HB 850, A bill to be entitled An Act relating to the qualifications of the director of the Texas Closeup Program.

HB 2245, A bill to be entitled An Act relating to squirrel hunting in Upshur County.

HB 2261, A bill to be entitled An Act relating to deer hunting in Cass County.

HB 2265, A bill to be entitled An Act, relating to trapping fox in Sabine County; providing a penalty.

HB 1619, A bill to be entitled An Act relating to the licensing of tidal water commercial finfish fishermen.

HB 2237, A bill to be entitled An Act relating to the applicability of the Uniform Wildlife Regulatory Act in Brooks County.

HB 2051, A bill to be entitled An Act relating to the purchase of certain kinds of political advertising.

HB 1730, A bill to be entitled An Act reenacting and amending Section 50 of Chapter 421, Acts of the 50th Legislature, 1947, as amended (Article 6701d, Vernon's Texas Civil Statutes), to change the culpability requirement, to specify place of operation of a motor vehicle, to add the concept of intoxication, to add marijuana, to provide a definition of "drug", to provide a change in penalty, to provide for severability; and declaring an emergency.

HB 2031, A bill to be entitled An Act relating to a record of completion of a driving safety course.

HB 1625, A bill to be entitled An Act relating to deed restrictions requiring the use of wood shingles.

HB 1493, A bill to be entitled An Act relating to jurisdiction of suits affecting the parent-child relationship.

HB 2234, A bill to be entitled An Act relating to hunting turkey in Morris County; providing a penalty.

HB 2253, A bill to be entitled An Act relating to creation of the County Court at Law No. 2 of Victoria County and membership of the juvenile board.

HB 756, A bill to be entitled An Act relating to repeal of the statutory authority for the Texas Navy, Incorporated.

HB 1577, A bill to be entitled An Act relating to the filing of an assumed name certificate; changing the penalty.

HB 865, A bill to be entitled An Act relating to interagency contracts.

HB 1242, A bill to be entitled An Act relating to the sale of certain state-owned land by the Texas Board of Mental Health and Mental Retardation and the use of the proceeds.

HB 2220, A bill to be entitled An Act relating to the compensation of the court reporter of the 130th Judicial District.

HB 1355, A bill to be entitled An Act relating to minimum standards for protective clothing and equipment for fire protection personnel.

HB 2160, A bill to be entitled An Act amending Chapter 379, Acts of the 63rd Legislature, Regular Session, 1973; relating to the creation, description, operation, administration, powers, and duties of the Sabine Pass Port Authority; containing other provisions relating to the subject; and declaring an emergency.

HB 1675, A bill to be entitled An Act relating to the collection of specific information concerning optional retirement program participants; amending the Texas State College and University Employees Uniform Insurance Benefits Act (Article 3.50-3, Insurance Code) by amending Section 4(b)(4); and declaring an emergency.

HB 1872, A bill to be entitled An Act relating to the catching of shrimp and related penalties.

HB 1676, A bill to be entitled An Act relating to collection of federal or private funds for Retirement contributions; and declaring an emergency.

HB 2222, A bill to be entitled An Act relating to the creation, administration, powers, duties, operations, and financing of the Coryell City Water Supply District.

HB 2236, A bill to be entitled An Act relating to the appointment of an administrative assistant or assistants by the judge of the County Court at Law No. 4 of Bexar County, Texas.

HB 2175, A bill to be entitled An Act relating to creation of the County Court at Law No. 2 of Denton County.

HB 1550, A bill to be entitled An Act relating to the authority of boards of trustees of independent school districts to appoint hearing officers for certain proceedings.

HB 134, A bill to be entitled An Act relating to the creation and operation of the Texas Tort Claims Self-Insurance Fund.

HB 1969, A bill to be entitled An Act relating to refusal to make certain records public after a determination by the Attorney General.

HB 2100, A bill to be entitled An Act relating to the expenditure of proceeds of certain airport revenue bonds, validating certain provisions previously made for such expenditures, containing other matters relating to the subject; and declaring an emergency.

HB 1411, A bill to be entitled An Act relating to the amount of group term life insurance coverage provided to the spouse and minor children of certain employees.

HB 2256, A bill to be entitled An Act relating to the conveyance of certain land to the Parks and Wildlife Commission by the County of Goliad.

HB 2264, A bill to be entitled An Act, relating to the election of directors of the Midland County Hospital District.

HB 735, A bill to be entitled An Act relating to abused children and termination of the parent-child relationship.

HB 165, A bill to be entitled An Act amending Chapter 712, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 8280-339, Vernon's Texas Civil Statutes), by amending Sections 1, 3, 4, 5, 5a, 7, 9 and 10 thereof; relating to the rights, powers, authority, privileges, and functions of the Galveston County Water Authority; finding notice of publication of intention to introduce this Act; excepting from the application of this Act certain litigation; and declaring an emergency.

HB 1463, A bill to be entitled An Act relating to the joint construction, financing, operation, and management of a justice center on the state line by certain municipalities and counties in this state and in an adjoining state.

HB 2155, A bill to be entitled An Act relating to premium rating plans.

HB 1303, A bill to be entitled An Act providing for payment of assistance to surviving dependents of certain public servants killed while on duty.

HB 2268, A bill to be entitled An Act relating to the applicability of the Uniform Wildlife Regulatory Act to the wildlife resources of Refugio County.

HB 2243, A bill to be entitled An Act relating to hunting spike deer in Austin County; providing a penalty.

HB 2240, A bill to be entitled An Act relating to deer hunting in Grimes County.

HB 1990, A bill to be entitled An Act relating to the election of the boards of trustees of certain independent school districts.

HB 999, A bill to be entitled An Act relating to the appointment of campaign treasurers.

HB 798, A bill to be entitled An Act relating to the allocation of funds for public mass transportation.

HB 2182, A bill to be entitled An Act relating to the creation, establishment, administration, maintenance, operation, and financing of the Community Hospital District of Brazoria County, Texas, by authority of Article IX, Section 9, of the Texas Constitution.

HB 1657, A bill to be entitled An Act relating to the eligibility of substitute teachers for unemployment compensation.

HB 1027, A bill to be entitled An Act relating to the transfer of certain public school students.

HB 1685, A bill to be entitled An Act relating to the requirement that bicyclists use an available path that is adjacent to a roadway.

HB 620, A bill to be entitled An Act relating to juvenile boards in the counties comprising the 9th, Second 9th, and 221st Judicial Districts.

HB 2122, A bill to be entitled An Act relating to the investment of public funds in the custody of state agencies and political subdivisions.

HB 621, A bill to be entitled An Act relating to the compensation of the judges of the district courts having jurisdiction in Montgomery County.

HB 2026, A bill to be entitled An Act relating to restrictions applicable to occupational driver's licenses.

HB 771, A bill to be entitled An Act relating to the transfer of the powers and duties of abolished county school administration concerning appeals.

HB 1898, A bill to be entitled An Act relating to regulation of brake fluid; providing penalties.

HB 1806, A bill to be entitled An Act relating to declaratory judgments concerning the validity of interest-bearing obligations of governmental entities; providing a penalty.

S.B. 457 Relating to the filing of briefs in criminal cases; amending Sections 9 and 10, Article 40.09, Code of Criminal Procedure, 1965, as amended; and declaring an emergency.

S.B. 434 Relating to the furnishing of the records of a hospital, physician or chiropractor pertaining to treatment for which workers' compensation is being sought; Amending Section 7, Article 8306, Revised Civil Statutes of Texas, as amended.

S.B. 371 Changing the name of Texas Tech University School of Medicine to Texas Tech University Health Sciences Center.

S.B. 369 Relating to secured transactions; amending the Business and Commerce Code by amending Subsection (b) of Section 9.301, as amended, concerning time of filing with respect to purchase money security interest; and Subsection (d) of Section 9.312, as amended concerning time of perfection of a purchase money security interest to preserve its priority over conflicting interest; and declaring an emergency.

S.B. 354 Relating to the sale of certain land by Stephen F. Austin State University. (With amendment)

S.B. 349 An Act amending Sec. 2, Chapter 364, Acts of the 50th Legislature, Regular Session, 1947 (codified as Article 6687-6 of the Revised Civil Statutes of the State of Texas) to provide for filing for transfer of registration and Certificate of Title within a designated period of time, providing fees therefor; providing a penalty for failure to file; providing for disposition of fees collected; providing for liability of Tax Collector and his bondsmen for failure to collect penalty; and declaring an emergency.

S.B. 340 Relating to continuous filing of notice of becoming a subscriber to the Workers' Compensation law; requiring notice of cancellation or non-renewal of a workers' compensation insurance policy; amending Sections 18a and 20a, Art. 8308, Revised Civil Statutes of Texas, 1925, as amended.

S.B. 309 Relating to the furnishing of surety bonds by contractors; amending Section 2, Chapter 163, Acts of the 42nd Legislature, 1931, as amended (Article 2368a, Vernon's Texas Civil Statutes); and declaring an emergency.

S.B. 292 Amending the Medical Liability and Insurance Improvement Act enacted by the 65th Legislature, being Article 4590i, V.C.S., relating to the Medical Disclosure Panel.

S.B. 278 Relating to abolition of the Burial Association Rate Board and transfer of its powers, duties, and functions.

S.B. 232 Relating to the effect of sick leave and emergency leave on workers' compensation for state employees. (With amendment)

S.B. 209 Relating to the examination of hospital records concerning personal injuries by parties to suits based on those personal injuries; amending Section 4a, Chapter 85, Acts of the 43rd Legislature, Regular Session, 1933, as amended (Article 5506a, Vernon's Texas Civil Statutes).

S.B. 178 Amending Article 2226, Revised Civil Statutes of Texas, 1925, as amended, so as to provide that a court may take judicial knowledge of certain matters in setting amounts of attorney's fees; and providing for liberal construction of the Act and applicability upon passage; and declaring an emergency.

S.B. 66 Relating to the report of an accident resulting in an injury to an employee filed by an employer with the Industrial Accident Board.

S.B. 54 Relating to annual registration fees for diesel-powered motor vehicles; amending Section 8c, Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929, as amended (Article 6675a-8c, Vernon's Texas Civil Statutes). (With amendment)

S.B. 46 Relating to destruction of certain juvenile court records.

S.B. 1199 Relating to the hunting of predators from aircraft in Starr County.

S.B. 1162 Relating to the creation, administration, powers, duties, operation, and financing of the Itasca Municipal Water District. (With amendment)

S.B. 41 Relating to the powers and duties of the Edwards Underground Water District; providing a penalty. (With amendments)

S.B. 1294 Relating to the creation, establishment, administration, maintenance, operation, and financing of the Jackson County Hospital District of Jackson County, Texas, by authority of Article IX, Section 9, of the Texas Constitution.

S.B. 1272 Relating to the type of cases in the 241st District Court.

S.B. 1246 Relating to the compensation of the judge of the 109th Judicial District.

S.B. 1203 Relating to the periods of time at which the Coordinating Board, Texas College and University System shall fix the interest rate to be charged for student loans; amending Section 52.36, Texas Education Code, as amended.

S.B. 1095 Relating to the submetering of natural gas in mobile home parks.

S.B. 986 Relating to the immunization and reports on immunization of persons attending elementary or secondary schools or institutions of higher education; amending the Texas Education Code, as amended, by amending Section 2.09 and adding Section 2.09a; and declaring an emergency.

S.B. 965 Relating to the collection of judgments by court proceedings.

S.B. 909 Relating to the coverage under worker's compensation of employees contracted under the Federal Comprehensive Employment and Training Act. (With amendment)

S.B. 891 Relating to membership in the appointive officer or employee class of the Employees Retirement System of Texas.

S.B. 835 Relating to eligibility for and duties of reimbursement for physical restoration services for crippled children.

S.B. 789 To change the day on which the commissioner of education shall recommend to the State Board of Education the names of persons for appointment to the state textbook committee to conform to the day of a State Board of Education meeting; amending Sec. 12.11(a), Texas Education Code, as amended; and declaring an emergency.

S.B. 763 Amending the following sections and subsections of Chapter 127, Acts of the Regular Session of the 60th Legislature, as amended, (Art. 6228g, Vernon's Texas Civil Statutes, as amended), viz: amending subsections 6 and 29 of Section II of said Act; amending subsection 3 of Section V of said Act; amending subsections 11(d)(5) and 11(d)(8) of Section VI of said Act; and

amending subsections 4 and 8 of Section VII of said Act; declaring this act to be severable; and declaring an emergency. (With amendments)

S.B. 759 Relating to the "Second Injury Fund" of the workers' compensation law; amending Section 12c-2, as amended.

S.B. 747 Relating to the establishment, certification, organization and regulation of health maintenance organizations; amending Sections 2, 4(b), 5(b), 9(a)(4), 9(c), 10(b), 12(a)(2), 15, 19(b), 20(a)(1), 22, 26, 30, 32, 33 of and adding Section 35 to the Texas Health Maintenance Organization Act (Chapter) 20A, Vernon's Texas Insurance Code). (With amendment)

S.B. 736 Relating to the authority of the Board of Regents, Texas State University System, to manage and control real property acquired by universities under its authority and to accept donations, gifts, grants and endowments for the universities under its authority.

S.B. 692 Authorizing the Board of Regents of The Texas A&M University System to levy certain limited student fees for the purpose of operating, maintaining, improving, and equipping the Tarleton State University Student Center and acquiring or constructing additions to said Center, regulating the collection and control of the fees; limiting the activities of the Student Center Complex; and declaring an emergency.

S.B. 678 Amending Chapter 3, Acts of the 61st Legislature, Regular Session, 1969, as amended (Article 717k-2, Vernon's Texas Civil Statutes), by making it applicable to certain non-profit corporations and by adding certain clarifying language; and declaring an emergency.

S.B. 666 Amending Chapter 409, Acts of the 61st Legislature, Regular Session, 1969, as amended, relating to the Gulf Coast Waste Disposal Authority, by providing additional powers for said authority and authorizing any public agency, local government, political subdivision, or other entity to contract with said authority with respect to its powers; enacting other provisions relating to the subject; providing for the cumulative effect and severability of the act; and declaring an emergency. (With amendment)

S.B. 642 Relating to choice of recovery under uninsured and underinsured motorist coverage. (With amendments)

S.B. 632 Relating to the authority to create municipal courts of record in the city of Lubbock and prescribing appeals from the municipal courts of record. (With amendment)

S.B. 1197 Authorizing Sienna Plantation Fresh Water Supply District of Fort Bend County, Texas (the "District") to be divided into two or more districts; (With amendment)

S.B. 93 Relating to an Official State Play; designating "The Lone Star" outdoor musical drama which is presented annually in the amphitheatre in Galveston Island State Park as the Official Play of the State of Texas; and declaring an emergency. (With amendment)

S.B. 124 Relating to a mandatory retirement age for public employees. (With amendments)

S.B. 172 Relating to the appointment of conservators of children.

S.B. 300 Relating to applicability of the Uniform Wildlife Regulatory Act to saltwater species of marine life. (With amendment)

S.B. 372 Relating to a program by which counties may purchase items through the State Board of Control.

S.B. 406 Relating to the disposition of certain unclaimed funds held by county and precinct officers.

S.B. 439 Relating to the procedure to be followed by the trial court whenever the record is supplemented or modified in any respect in order that it may speak the truth, and to the attendance of the defendant at a hearing on such matters; amending Section 7, Article 40.09, Code of Criminal Procedure, 1965, as amended; and declaring an emergency.

S.B. 451 Relating to corroboration of accomplice testimony as a prerequisite to an adjudication of delinquent conduct or conduct indicating a need for supervision in an adjudication hearing involving a child who is alleged to have engaged in delinquent conduct or conduct indicating a need for supervision; amending Subsection (e), Section 43.03, Texas Family Code, 1973, as amended; and declaring an emergency.

S.B. 553 Relating to motorcycle operator training courses and special restricted operator's licenses for motor-assisted bicycles; amending Sec. 7(a) and 12(e)(1) Chapter 173, Acts of the 47th Legislature, Regular Session, 1941, as amended (Article 6687b, Vernon's Texas Civil Statutes); and declaring an emergency.

S.B. 609 Relating to instruction in American Sign Language in public schools and institutions of higher education.

S.B. 718 An Act defining the term "eligible city" as any city or town in this state, including home rule cities, whose corporate limits are within a distance of fifteen (15) miles from a river between the State of Texas and the Republic of Mexico.

S.B. 755 Relating to the authority of the Texas Employment Commission to sell and convey certain state-owned land and the disposition of the proceeds. (With amendment)

S.B. 778 Amending Chapter 500, Acts of the 52nd Legislature, Regular Session, 1951, as amended (Article 695g, Vernon's Texas Civil Statutes); amending Chapter 467, Acts of the 54th Legislature, Regular Session, 1955, as amended (Article 695h, Vernon's Texas Civil Statutes); providing a definition of "State working days"; providing a schedule for the payment of social security contributions and remittance of reports to the reporting state agency for each calendar quarter of the year and providing a penalty for late payment of contributions and late submission of reports; specifying the use of money received as penalty for delinquent payments and submissions; and declaring an emergency.

S.B. 865 Relating to withdrawal of a city from a rapid transit authority. (With amendment)

S.B. 868 Relating to the diagnosis and care of persons having tuberculosis; amending Sections 3, 4, 5, 6, 7, 8, 9, 11, 12, 14, 15, 17, 18 and 19; repealing Sections 10, 13 and 16; and adding a new Section 4A to the Texas Tuberculosis Code, Chapter 181, page 379, Acts of the 56th Legislature, 1959, as amended (Article 4477-11, Vernon's Texas Civil Statutes); changing the penalties and declaring an emergency.

S.B. 888 Relating to the boundaries of the Lower Neches Valley Authority.

S.B. 997 Relating to the conveyance of certain state-owned property to the city of Austin.

S.B. 1012 Granting to any company participating in the operation of the Texas Catastrophe Property Insurance Association a premium tax credit for payment of claims totaling more than its proportionate share of the first \$100,000,000 in losses in the event that any occurrence or series of occurrences results in total losses in excess of that amount in a single calendar year, and amending the Texas Catastrophe Property Insurance Pool Act, Article 21.49, Insurance Code, as amended, by adding a new Section 19;

S.B. 1068 Relating to sand dune protection. (With amendments)

S.B. 1082 Relating to the use of school transportation services for nonschool activities; amending Section 16.204, Texas Education Code, as amended; and declaring an emergency.

S.B. 1104 Relating to county authority to regulate the presence of animals on beaches; amending Subsection (a), Section 8, Chapter 19, Acts of the 56th Legislature, 2nd Called Session, 1959, as amended (Article 5415d, Vernon's Texas Civil Statutes); and declaring an emergency.

S.B. 1198 Relating to the juvenile board and the juvenile jurisdiction of the courts in Galveston County.

S.B. 1217 Relating to the filming of records of the Employees Retirement System of Texas and destruction of the original records.

S.B. 1222 Relating to the creation of a dental advisory committee to make recommendations to the Texas Board of Health, the legislature, and other governmental and quasi-governmental agencies. (With amendment)

S.B. 1226 Amending Section 2.10 of the Texas Mental Health and Mental Retardation Act, as amended (codified as Article 5547-201, et seq., Vernon's Texas Civil Statutes), to provide for payment of travel costs for members of advisory committees established or approved by the Texas Board of Mental Health and Mental Retardation; and declaring an emergency.

S.B. 1227 Amending Section 31 of the Texas Mental Health Code, as amended (codified as Article 5547-1 et seq, Vernon's Texas Civil Statutes) to provide for venue of temporary hospitalization proceedings in counties where a proposed patient is hospitalized by court order; and declaring an emergency.

S.B. 660 Amending Chapter 105, Acts of the 47th Legislature, Regular Session, 1941, as amended (Article 6243f, Vernon's Texas Civil Statutes), by adding Sections 1A and 3 and by amending Sections 4, 7(c), 8(a), 8(b), 10, 11,

13, 15(b), 15(c), 16 and 26A(2); relating to membership of the board of trustees of certain firemen and policemen's pension funds; relating to the amount of contributions to and payments from such funds and to cost of living increases, age at retirement, limitations on disability, and widows' pensions; relating to computation of certain pensions; and declaring an emergency.

H.C.R. 209 Designating the first week in April of each year to be Texas Business And Industry Week.

HCR 169, Congratulating Carl T. Widen.

All necessary rules suspended, and the Conference Committee Report on House Bill No. 304 adopted by a non record vote.

HB 2244, A bill to be entitled An Act relating to temporary furloughs for inmates in the custody of the department of corrections.

HB 2185, A bill to be entitled An Act relating to the authority of a beer manufacturer to sell beer to its employees.

HB 1140, A bill to be entitled An Act relating to the collection of the state hotel occupancy tax.

HB 63, A bill to be entitled An Act relating to the acceptance by the Parks and Wildlife Department of certain land for park purposes.

HB 1686, A bill to be entitled An Act relating to controlled substances; enacting the Controlled Substances Therapeutic Act; amending Sections 2.03, 2.04 and 4.05, Texas Controlled Substances Act, as amended; and declaring an emergency.

HB 1421, A bill to be entitled An Act relating to the right-of-way of vehicles on an access road of a controlled access highway.

HB 31, A bill to be entitled An Act relating to compensation from the state for district attorneys and their staffs; relating to equipment and expenses supplied by the counties; and prohibiting

HB 1433, A bill to be entitled An Act relating to payment of certain miscellaneous claims and judgments against the state; making an appropriation.

HB 399, A bill to be entitled An Act relating to the certification of court reporters and the regulation of shorthand reporting for use in litigation.

HB 224, A bill to be entitled An Act relating to abolition of the Board of County and District Road Indebtedness and the lateral road account.

HB 1052, A bill to be entitled An Act relating to prevention and redress of discrimination in employment, public accommodations, credit transactions, and real property transactions; providing penalties; making appropriations.

HB 986, A bill to be entitled An Act relating to the use of private employment agencies in obtaining public school personnel.

HB 1165, A bill to be entitled An Act relating to career education.

All necessary rules suspended, and the House concurred in Senate Amendments to House Bill No. 1858 by a vote of 112 Ayes, 1 Noes.

HB 1205, A bill to be entitled An Act relating to the election of school trustees from single-member districts.

HB 65, A bill to be entitled An Act relating to establishment of The University of Texas Medical School at Tyler; adding Subchapter K to Chapter 74 of the Texas Education Code.

S.B. 174 Relating to personal leave for public employees. (With amendments)

S.B. 1266 Relating to conservatorship of certain state agencies found to be fiscally mismanaged.

S.B. 1275 Providing for the creation and administration of development corporations to carry out certain public purposes of cities, counties and certain other political subdivisions relating to the promotion and development of commercial, industrial, manufacturing, medical, and research enterprises to promote and encourage employment, public health and the public welfare; authorizing such development corporations to acquire certain properties and to lease, sell, or convey said properties, and to make loans, for the promotion and development of commercial, industrial, manufacturing, medical and research enterprises; authorizing such cities, counties and other political subdivisions to utilize a development corporation to issue obligations on its behalf to accomplish one or more public purposes of the unit; authorizing such development corporations to issue bonds on behalf of the sponsoring cities, counties and other political subdivisions in order to carry out certain specified public purposes; containing other provisions relating to the subject; containing a severability clause; and declaring an emergency. (With amendment)

S.B. 273 Relating to the practice of professional nursing; defining professional nursing; granting the Board of Nurse Examiners the power to promulgate rules and regulations, to establish standards of professional conduct and ethics, and to regulate the practice of professional nursing; granting the Board injunctive powers; specifying the educational programs which are to be represented on the Board; (With amendments)

S.B. 1243 Relating to the State Commission for the Blind. (With amendments)

RESOLUTIONS CALENDAR

HCR 64, Supporting the United Nations proclamation declaring the year 1979 as the International Year of the Child.

HCR 180, Accepting the memorial offered by Disabled American Veterans, Department of Texas.

HCR 189, Granting permission to Sweetbriar-West Columbia Development Center to sue the state.

H.C.R. 192, Granting permission to Mary Lee Borden, et al, to sue the state.

H.C.R. 198 Granting Paul Anthony Powell permission to sue the state

S.C.R. 51 Recommending that a cooperative effort be taken to develop a model hurricane evacuation plan for selected high population areas of the Gulf Coast.

S.C.R. 85 Granting Utility Contractors, Inc., permission to sue the State of Texas.

HCR 58, Requesting the State Board of Control to place the Archive War marker in a suitable permanent position on the capitol grounds.

HCR 90, Directing the State Board of Education to undertake a statewide study of curriculum for Texas public schools.

HCR 104, Requesting the President of the United States to instruct the United States Postal Service to initiate a vigorous prosecution campaign against those who mail obscene materials.

HCR 105, Memorializing the President and Attorney General of the United States to adopt a policy of vigorous enforcement of federal antiobscenity laws and the federal Mann Act.

HCR 106, Requesting the Department of Public Safety to compile and report data pertaining to sexual abuse crimes committed against children.

HCR 107, Requesting the Institute of Contemporary Corrections and the Behavioral Sciences at Sam Houston State University to conduct a study of current court procedures in juvenile sexual abuse cases.

HCR 185, Granting permission to Alicia Benefield to sue the state.

HCR 190, Granting permission to Geriatrics, Inc. and Retama Manor Nursing Centers, Inc. d/b/a La Hacienda Care Center to sue the state.

H.C.R. 206 Congratulating the United States Coast Guard Auxiliary in its 40th anniversary

H.C.R. 208 Requesting the Board of Control to provide a new entrance to the womens staff restroom on the first floor of the Capitol

HB 225, A bill to be entitled An Act relating to regulation of motor vehicle manufacturers and distributors and their dealers and representatives.

S.B. 102 Relating to designation of certain toys and other articles intended for use by children as hazardous substances; amending Sections 1, 3 and 7, Chapter 1033, Acts of the 62nd Legislature, Regular Session, as amended, 1971 (Article 4476-13, Vernon's Texas Civil Statutes); changing the penalties; and declaring an emergency.

S.B. 423 Relating to the issuance and renewal of motorboat certificates of number and title. (With amendments)

S.B. 546 Relating to a criminal offense for violation of the civil rights of a person in the custody of a peace officer or a custodian of prisoners. (With amendments)

S.B. 921 Relating to the creation, organization, powers, duties, operation, and funding of the Texas Energy Advisory Council. (With amendments)

All necessary rules suspended, and the House concurred in Senate Amendments to House Bill No. 1457 by a vote of 121 Ayes, 3 Noes, 2 Present-Not Voting.

The House refused to concur in Senate amendments to House Bill No. 2096 and has requested the appointment of a Conference Committee to consider the differences between the two Houses.

House Conferees: Caraway - Chairman; Madla, Blythe, Smith, Green, F.

All necessary rules suspended, and the House concurred in Senate Amendments to House Bill No. 1824 by a non record vote.

All necessary rules suspended, and the House concurred in Senate Amendments to House Bill No. 1160 by a non record vote.

All necessary rules suspended, and the House concurred in Senate Amendments to House Bill No. 750 by a non record vote.

All necessary rules suspended, and the House concurred in Senate Amendments to House Bill No. 673 by a non record vote.

All necessary rules suspended, and the House concurred in Senate Amendments to House Bill No. 329 by a non record vote.

All necessary rules suspended, and the House concurred in Senate Amendments to House Bill No. 155 by a non record vote.

The House has granted the request of the Senate for the appointment of a Conference Committee on Senate Bill No. 910.

House Conferees: Martin - Chairman; Hanna, Craddick, Denton, Waters.

H.C.R. 212 Commending Dr. Laurence DeFee Haskew

HB 818, A bill to be entitled An Act relating to the replatting of part of a real estate subdivision.

HB 1334, A bill to be entitled An Act relating to landowner rights and eminent domain.

HB 1474, A bill to be entitled An Act relating to the appointment and commissions of notaries public and the duties of the secretary of state and county clerks in matters pertaining to notaries public.

HB 1499, A bill to be entitled An Act relating to the purchase of school sites and the construction of school buildings by certain independent school districts.

HB 1742, A bill to be entitled An Act relating to a sexual performance by a child.

S.B. 1107 Relating to advertising by a notary public who is not an attorney.

The House has granted the request of the Senate for the appointment of a Conference Committee on Senate Bill No. 220.

House Conferees: Nowlin - Chairman; Heatly, Maloney, Donaldson, Nabers.

S.B. 281 Relating to regulation of lawyers by the Supreme Court and the Board of Law Examiners. (With amendments)

House conferees discharged; House concurred in Senate amendments to House Bill No. 1012 by a vote of 126 Ayes, 2 Noes, 3 Present-Not Voting.

HB 595, A bill to be entitled An Act relating to the recovery of a claim against a unit of government based on a contract.

HB 731, A bill to be entitled An Act relating to required disclosure of financial interests, activities, and gifts by elective officers and candidates for elective office in political subdivisions; providing a penalty.

HB 1430, A bill to be entitled An Act relating to the use of animals as a lure or quarry in racing dogs or in training dogs for racing.

HB 1736, A bill to be entitled An Act relating to safety inspection of motor vehicles sold by dealers; providing a penalty.

HB 1799, A bill to be entitled An Act relating to loans discounted by an agricultural credit corporation.

HB 1936, A bill to be entitled An Act relating to the regulation of certain coin-operated amusement machines and billiard tables by counties, cities, and other political subdivisions and to the relationship of location of machines to zoning regulations.

HB 2170, A bill to be entitled An Act relating to assessment of property for ad valorem taxation at a percentage of its value.

H.C.R. 214 Commemorating the 50th anniversary of the state song "Texas, Our Texas"

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

REPORTS OF STANDING COMMITTEES

Senator Farabee submitted the following report for the Committee on Jurisprudence:

H.C.R. 39
S.B. 1314
H.B. 2118 (Amended)
H.B. 2091
H.B. 1135
H.B. 1989

H.B. 1571
H.B. 1219
H.B. 39 (Amended)
H.B. 15 (Amended)
H.B. 52
H.B. 467
H.B. 471
H.B. 590
H.B. 711
H.B. 1117
H.B. 412
H.B. 40
C.S.H.B. 1109 (Read first time)
C.S.H.B. 1689 (Read first time)
C.S.S.B. 1277 (Read first time)

Senator Snelson submitted the following report for the Committee on Intergovernmental Relations:

H.B. 2186 (Ordered Not Printed)
H.B. 961 (Ordered Not Printed)
H.B. 2187 (Ordered Not Printed)
S.B. 1308
H.B. 1137
H.B. 1950 (Ordered Not Printed)
H.B. 2176 (Ordered Not Printed)
H.B. 2173 (Ordered Not Printed)
H.B. 930
H.B. 561 (Ordered Not Printed)
H.B. 1905 (Ordered Not Printed)
H.B. 1794
H.B. 1926
H.B. 1658
H.B. 461 (Ordered Not Printed)
H.B. 2226 (Ordered Not Printed)
H.B. 2174 (Ordered Not Printed)
H.B. 1042
H.B. 1774
H.B. 2252 (Ordered Not Printed)
H.B. 2171 (Ordered Not Printed)
H.B. 1469
H.B. 979
S.B. 809 (Amended)
H.B. 2238
H.B. 1483
H.B. 1340
H.B. 1262 (Ordered Not Printed)
H.B. 1168
H.B. 2212 (Ordered Not Printed)
H.B. 1082
S.B. 1286
H.B. 658 (Ordered Not Printed)
S.B. 1304
C.S.H.B. 1626 (Read first time)
C.S.S.B. 1318 (Read first time)

C.S.H.B. 1134 (Read first time)

Senator Schwartz submitted the following report for the Committee on Natural Resources:

S.R. 565
S.R. 553
H.B. 2204
H.B. 2213
H.B. 2008
S.B. 1316
H.B. 2180
H.B. 2189
H.B. 2115
S.B. 1319
H.B. 2158
H.B. 2223
H.B. 867
H.B. 2241
H.B. 383
H.B. 760
H.B. 2211
H.B. 2168
H.B. 1554
H.B. 2197
H.B. 2181
H.B. 1814
H.B. 2199
H.B. 2046
H.C.R. 191
C.S.H.B. 1647 (Read first time)

Senator Jones of Taylor submitted the following report for the Committee on Finance:

H.C.R. 93
H.B. 1362

Senator Santiesteban, Vice-Chairman, submitted the following report for the Committee on Finance:

H.B. 2083 (Amended)
C.S.H.B. 2084 (Read first time)
C.S.H.B. 306 (Read first time)

Senator Moore submitted the following report for the Committee on State Affairs:

H.B. 1547
H.B. 1228
H.B. 1704
S.B. 1295
H.B. 239
S.B. 1320
H.B. 1147
C.S.H.B. 1986 (Read first time)

H.B. 1106
C.S.H.B. 1740 (Read first time)
H.B. 574 (Amended)
H.B. 1677
H.B. 444
H.B. 1480
H.B. 1007
C.S.H.B. 1176 (Read first time)
C.S.H.B. 1016 (Read first time)
H.B. 309
H.B. 1530
H.B. 793 (Amended)
H.B. 2025
H.B. 956
H.B. 1429
H.B. 1061
H.B. 1351
H.B. 1001
H.B. 1002
H.B. 543
H.B. 544 (Amended)
C.S.S.B. 1127 (Read first time)

Senator Brooks submitted the following report for the Committee on Human Resources:

H.B. 832
H.C.R. 112
H.C.R. 153
H.B. 1323 (Amended)
H.B. 1812
H.B. 1831 (Amended)

Senator Creighton submitted the following report for the Committee on Economic Development:

H.B. 1956
H.B. 1503
H.B. 1502
S.B. 1042
S.B. 928
S.B. 758

Senator Snelson, Acting Chairman, submitted the following report for the Committee on Finance:

H.B. 1506
H.B. 806
H.B. 1663
C.S.H.B. 1918 (Read first time)

Senator Moore submitted the following report for the Committee on State Affairs:

H.B. 1885
H.B. 1442
H.B. 1456
C.S.H.B. 1673 (Read first time)
H.B. 995

Senator Mauzy submitted the following report for the Committee on Education:

H.B. 1610 (Amended)
H.B. 546
S.B. 1024
C.S.S.R. 196 (Read first time)
H.B. 2165
H.B. 1237
H.B. 1123
H.B. 1030
H.B. 848
H.B. 8
C.S.H.B. 679 (Read first time)
C.S.S.B. 770 (Read first time)

BILLS AND RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bills and resolutions:

S.C.R. 57	H.B. 504	H.B. 1297
S.B. 257	H.B. 567	H.B. 1333
S.B. 357	H.B. 673	H.B. 1368
S.B. 432	H.B. 686	H.B. 1418
S.B. 472	H.B. 726	H.B. 1457
S.B. 486	H.B. 750	H.B. 1510
S.B. 491	H.B. 794	H.B. 1565
S.B. 613	H.B. 801	H.B. 1692
S.B. 675	H.B. 874	H.B. 1803
S.B. 706	H.B. 980	H.B. 1824
S.B. 817	H.B. 1022	H.B. 1858
S.B. 906	H.B. 1071	H.B. 1907
S.B. 979	H.B. 1079	H.B. 1917
H.C.R. 84	H.B. 1160	H.B. 2108
H.B. 155	H.B. 1167	H.B. 2153
H.B. 283	H.B. 1206	H.B. 2172
H.B. 284	H.B. 1225	H.B. 2191
H.B. 329	H.B. 1245	H.B. 2225
H.B. 449	H.B. 1293	H.B. 1413

CONFERENCE COMMITTEE REPORT HOUSE BILL 304

Senator Price submitted the following Conference Committee Report:

Austin, Texas
May 16, 1979

Honorable William P. Hobby
President of the Senate

Honorable Bill Clayton
Speaker of the House of Representatives

Sir:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **H.B. 304** have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

PRICE
KOTHMANN
TRAEGER
HOWARD
On the part of the Senate

JONES of El Paso
GREEN of Navarro
EMMETT
DENTON
WHALEY
On the part of the House

The Conference Committee Report was read and was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT SENATE BILL 555

Senator Blake submitted the following Conference Committee Report:

Austin, Texas
May 17, 1979

Honorable William P. Hobby
President of the Senate

Honorable Bill Clayton
Speaker of the House of Representatives

Sir:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **S.B. 555** have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

BLAKE
HOWARD
MENGDEN
FARABEE
MEIER
On the part of the Senate

CRADDICK
LOONEY
MASSEY
PATTERSON
GEISTWEIDT
On the part of the House

A BILL TO BE ENTITLED

AN ACT

relating to the operation of certain motor vehicles on property used for public water facilities; providing a penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 50, Water Code, as amended, is amended by adding Section 50.056 to read as follows:

Sec. 50.056. OPERATION OF CERTAIN MOTOR VEHICLES ON OR NEAR PUBLIC WATER FACILITIES. (a) In this section, "motor vehicle" means a self-propelled device in, upon, or by which a person or property is or may be transported or drawn on a road or highway.

(b) Except as provided in Subsections (c) and (d) of this section, a person may not operate a motor vehicle on a levee, in a drainage ditch, or on land adjacent to a levee, canal, ditch, exposed conduit, pumping plant, or other facility for the transmission or storage of water or sewage, that is owned or controlled by a district.

(c) A district may authorize the use of motor vehicles on land that it owns or controls by posting signs on the property.

(d) This section does not prohibit a person from:

(1) driving on a public road or highway; or

(2) operating a motor vehicle that is being used for repair or maintenance of public water facilities.

(e) A person who operates a motor vehicle in violation of Subsection (b) of this section commits an offense. An offense under this section is a Class C misdemeanor, except that if a person has been convicted of an offense under this section, a subsequent offense is a Class B misdemeanor.

SECTION 2. This Act takes effect on September 1, 1979.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The Conference Committee Report was read and was filed with the Secretary of the Senate.

HOUSE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions received from the House were read the first time and referred to the Committee indicated:

H.B. 31, To Committee on Intergovernmental Relations.

H.B. 63, To Committee on Natural Resources.

H.B. 65, To Committee on Education.

H.B. 134, To Committee on Finance.

H.B. 165, To Committee on Natural Resources.

H.B. 224, To Committee on State Affairs.
H.B. 225, To Committee on Economic Development.
H.B. 399, To Committee on Jurisprudence.
H.B. 620, To Committee on Intergovernmental Relations.
H.B. 621, To Committee on Intergovernmental Relations.
H.B. 735, To Committee on Jurisprudence.
H.B. 756, To Committee on State Affairs.
H.B. 771, To Committee on Education.
H.B. 798, To Committee on Intergovernmental Relations.
H.B. 850, To Committee on State Affairs.
H.B. 865, To Committee on State Affairs.
H.B. 986, To Committee on Education.
H.B. 999, To Committee on State Affairs.
H.B. 1027, To Committee on Education.
H.B. 1052, To Committee on Human Resources.
H.B. 1140, To Committee on Finance.
H.B. 1165, To Committee on Education.
H.B. 1205, To Committee on Education.
H.B. 1242, To Committee on State Affairs.
H.B. 1303, To Committee on State Affairs.
H.B. 1355, To Committee on Intergovernmental Relations.
H.B. 1411, To Committee on Economic Development.
H.B. 1421, To Committee on State Affairs.
H.B. 1433, To Committee on Finance.
H.B. 1463, To Committee on Intergovernmental Relations.
H.B. 1493, To Committee on Jurisprudence.
H.B. 1550, To Committee on Education.
H.B. 1577, To Committee on State Affairs.
H.B. 1619, To Committee on Natural Resources.
H.B. 1625, To Committee on State Affairs.
H.B. 1657, To Committee on Economic Development.
H.B. 1675, To Committee on Economic Development.
H.B. 1676, To Committee on State Affairs.
H.B. 1685, To Committee on State Affairs.
H.B. 1686, To Committee on Human Resources.
H.B. 1730, To Committee on State Affairs.
H.B. 1806, To Committee on Jurisprudence.
H.B. 1872, To Committee on Natural Resources.
H.B. 1898, To Committee on State Affairs.
H.B. 1969, To Committee on Jurisprudence.
H.B. 1990, To Committee on State Affairs.
H.B. 2026, To Committee on State Affairs.
H.B. 2031, To Committee on State Affairs.
H.B. 2051, To Committee on State Affairs.
H.B. 2100, To Committee on Intergovernmental Relations.
H.B. 2122, To Committee on Finance.
H.B. 2155, To Committee on Economic Development.
H.B. 2160, To Committee on Intergovernmental Relations.
H.B. 2175, To Committee on Intergovernmental Relations.
H.B. 2182, To Committee on Intergovernmental Relations.
H.B. 2185, To Committee on State Affairs.
H.B. 2200, To Committee on Finance.
H.B. 2220, To Committee on Intergovernmental Relations.

H.B. 2222, To Committee on Natural Resources.
H.B. 2234, To Committee on Natural Resources.
H.B. 2236, To Committee on Intergovernmental Relations.
H.B. 2237, To Committee on Natural Resources.
H.B. 2240, To Committee on Natural Resources.
H.B. 2243, To Committee on Natural Resources.
H.B. 2244, To Committee on State Affairs.
H.B. 2245, To Committee on Natural Resources.
H.B. 2253, To Committee on Intergovernmental Relations.
H.B. 2256, To Committee on Intergovernmental Relations.
H.B. 2261, To Committee on Natural Resources.
H.B. 2264, To Committee on Intergovernmental Relations.
H.B. 2265, To Committee on Natural Resources.
H.B. 2268, To Committee on Natural Resources.
H.B. 818, To Committee on State Affairs.
H.B. 1334, To Committee on Economic Development.
H.B. 1474, To Committee on State Affairs.
H.B. 1499, To Committee on Administration.
H.B. 1742, To Committee on Jurisprudence.
H.J.R. 34, To Committee on Jurisprudence.
H.C.R. 58, To Committee on Administration.
H.C.R. 64, To Committee on Human Resources.
H.C.R. 90, To Committee on Education.
H.C.R. 104, To Committee on Jurisprudence.
H.C.R. 105, To Committee on Jurisprudence.
H.C.R. 106, To Committee on State Affairs.
H.C.R. 107, To Committee on State Affairs.
H.C.R. 168, To Committee on Economic Development.
H.C.R. 180, To Committee on Administration.
H.C.R. 185, To Committee on Administration.
H.C.R. 189, To Committee on Administration.
H.C.R. 190, To Committee on Administration.
H.C.R. 192, To Committee on Administration.
H.C.R. 198, To Committee on Administration.
H.C.R. 208, To Committee on Administration.
H.C.R. 209, To Committee on Administration.

SENATE BILLS AND RESOLUTIONS ON FIRST READING

On motion of Senator Ogg and by unanimous consent, the following bills and resolutions were introduced, read first time and referred to the Committee indicated:

S.B. 1322 by Ogg Intergovernmental Relations
 Reinstating the Office of Inspector of Hides and Animals in Harris County.

S.B. 1323 by McKnight Finance
 Relating to a supplemental appropriation to the Texas Board of Chiropractic Examiners.

S.C.R. 90 by Moore Administration
 Granting Elkins Lake Municipal Utility District and Elkins Lake Recreation Corporation permission to sue the State of Texas.

S.C.R. 91 by Andujar State Affairs
Commemorating the 50th anniversary of the state song, "Texas, Our Texas."

S.C.R. 92 by Mengden Administration
Granting David Mitcham and Eric Samuelson permission to sue the State of Texas.

S.C.R. 93 by Harris Administration
Granting Billie Herrin permission to sue the State of Texas.

S.R. 599 by Ogg State Affairs
Establishing a special interim committee to study ways to reduce the volume of state paperwork and to more effectively utilize the information gathered by such.

S.R. 605 by Farabee Jurisprudence
Directing the Senate Committee on Jurisprudence to study, in cooperation with the Texas Prosecutors Coordinating Council, the quality and uniformity of criminal prosecution in Texas.

S.R. 606 by Andujar Administration
Amending Senate Rules relating to filing Senate bills and resolutions before the regular session.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was filed with the Secretary of the Senate:

Austin, Texas
May 17, 1979

TO THE MEMBERS OF THE SENATE, STATE OF TEXAS, SIXTY-SIXTH LEGISLATURE; REGULAR SESSION:

Pursuant to the provisions of Section 14, Article IV of the Constitution of the State of Texas, I herewith return to you Senate Bill 1025 vetoed for the following reasons:

This bill is much broader than a similar bill of the Sixty-Fifth Legislature, Senate Bill 1226, vetoed by then Governor Dolph Briscoe. The Open Records Act of 1973 provides a proper balance between the citizen's right to access to public documents and records and a person's right to privacy from unwarranted disclosure of confidential information in their dealings with a governmental body.

This bill adds an accessibility provision which states that no information relevant to a civil or criminal proceeding shall be excepted from the Open Records Act, unless there is an express statement that the information is not subject to subpoena or shall not be used in court proceedings. There is some softening of this accessibility provision in that a court may refuse to order the disclosure upon a showing that the harm which would result from the disclosure outweighs the need of the litigants for the information.

Nevertheless, this accessibility provision would make available to a district or county court proceeding any information held by a governmental body, even though that information is within one of the exceptions to the Open Records Act,

unless the statute creating the exception contained the express statement mentioned above. Present exemptions to the Open Records Act would be ignored without the express statement. The result of this would be to open up previously excepted matters like bank examinations, personnel files, bidding files, trade secrets, litigation files, and various other information deemed confidential by law. State employees would be caught in the bind of being prohibited by law from divulging certain material and then being ordered to divulge it for certain court proceedings.

This Act further provides that a person who substantially prevails in a writ of mandamus suit to compel a governmental body to make information available for public inspection may recover reasonable attorney's fees and other litigation costs reasonably incurred in the case. This would encourage litigation, and no provision is made for appropriations to governmental bodies to pay attorney's fees and the costs of litigation in lawsuits of this nature.

This Act, as passed, also left out an important provision in the original bill, which would have solved any conflict between the Open Records Act and federal privacy laws. This provision which was left out of the final bill provided that information could be withheld if its release would cause the denial of funds, services, or essential information from the federal government.

Attached to this message, and made a part thereof, are some specific examples of the problems caused by the accessibility provisions of Senate Bill 1025.

For these reasons, I hereby return to you unsigned Senate Bill 1025.

Respectfully,

/s/W. P. Clements, Jr.
Governor

Attachment

Specific Examples of the Problems Caused by the
Accessibility Provisions of **S.B. 1025**

Texas Water Development Board. The Texas Water Development Board has, by rule, expressly exempted certain classes of information from public disclosure. In Rule No. 156.01.013, the Board has protected classified data of the federal government and confidential information relating to trade secrets, secret processes, or economics of operation from disclosure. The Board has also protected information relating to litigation in which the Department is a party. Once again, this information would be subject to disclosure under **S.B. 1025**, and the Department would have no alternative but to disclose information relating to trade secrets, secret processes, or litigation matters.

Bank examinations. Under Article 342-210, information obtained by the banking department as to the financial condition of state banks is declared to be confidential and shall not be disclosed by the Commissioner or any employee of the department with certain noted exceptions. Divulging information or permitting access to banking department files is a misdemeanor under Article 342-211. The Supreme Court has recently held that the confidential section of a bank examiner's report is not subject to discovery in a judicial proceeding but is

privileged as Article 342-210 provides. *Stewart v. Honorable Tate McCain*, 22 Tex. Sup. Ct. Journal 136 (1978).

However, under **S.B. 1025**, bank examinations and other banking department files would be subject to disclosure since there is no express provision in the Banking Code providing that this information is not subject to subpoena. Thus, Article 342-210 would be effectively abrogated.

Under federal law, information gained in a bank examination by the Comptroller of the Currency or Federal Deposit Insurance Corporation may not be divulged without authorization and unauthorized disclosures by an examiner or employee are criminal offenses. 18 U.S.C. 1906. By regulation, the Comptroller has placed all reports concerning financial institutions within the class of records not subject to disclosure. 12 C.F.R. Sec 4.16 (8). The Comptroller has also prohibited other government agencies and private parties from disclosing information concerning financial institutions, under threat of criminal prosecution. 12 C.F.R. Sec 4.18; 18 U.S.C. Sec. 461. Employees and former employees of the Comptroller are forbidden from testifying or responding to a subpoena without permission of the Comptroller.

Under **S.B. 1025**, then, state banks would suffer exposure of all files relating to them, no matter how speculative; while national banks would enjoy the protection of federal rules and statutes.

Administrative Appeals. Under the Texas Register and Administrative Procedure Act (Article 6252-13a), appeals from an order of a state agency are taken to the district court. An appeal, therefore, would be a case covered by **S.B. 1025**, and under the provisions added by the bill would be available. Using **S.B. 1025**, a party to an administrative appeal could seek to go beyond the order of the agency in question and place the mental processes of the agency administrators in issue. Because **S.B. 1025** allows the discovery of "intangible knowledge", a party to an administrative appeal could seek to question the mental process by which a decision was reached, thereby expanding the scope of the appeal beyond the record made before the agency.

Savings and Loan Examinations. Article 852a, Section 11.18 of the Revised Civil Statutes, provides that, "Reports of examinations (of savings & loan associations) made to the Commissioner shall be regarded as confidential and not for public record or inspection ***." The statute also provides a criminal penalty for unauthorized disclosure of information by an examiner, inspector, deputy, assistant or clerk or the Commissioner. As with bank examinations, this statute would be effectively repealed by **S.B. 1025**, and the subjective analysis of the Commissioner would be subject to disclosure.

Attorney-Client Privilege. There is no statute in Texas which states that confidential information in the hands of an attorney is not subject to subpoena or shall not be used in court even though this is the long recognized rule at common law. Governmental entities can and do employ attorneys, including the Attorney General, to render professional advice and services. In this capacity, the governmental entity stands in the traditional shoes of the client. The effect of **S.B. 1025** would be to require disclosure of confidential information which has passed from the attorney to his client, the governmental agency. The Open Records Act provides an explicit exception for matters which are protected by the attorney-client privilege. Article 6252-17a Sec. 3 (a)(7). This exception does not appear in the language added to the Act by **S.B. 1025**, and would not be available in a district court suit.

SENATE CONCURRENT RESOLUTION 95

Senator Jones of Taylor offered the following resolution:

S.C.R. 95, Requesting the House of Representatives to return **H.J.R. 98** to the Senate for further consideration.

The resolution was read.

On motion of Senator Jones of Taylor and by unanimous consent, the resolution was considered immediately and was adopted.

SENATE BILL 125 WITH HOUSE AMENDMENT

Senator Meier called **S.B. 125** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Committee Amendment No. 1 - Lalor

Amend Senate Bill 125 as follows:

1) Renumber Sections 1-5 as Sections 2-6 and insert a new Section 1 as follows:

"SECTION 1. Section 3, Chapter 410, Acts of the 53rd Legislature, Regular Session, 1953, as amended (Article 6674v, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 3. There is hereby created an authority to be known as the "Texas Turnpike Authority," hereinafter sometimes referred to as the "Authority." By and in its name the Authority may sue and be sued, and plead and be impleaded. The Authority is hereby constituted an agency of the State of Texas, and the exercise by the Authority of the powers conferred by this Act in the construction, operation, and maintenance of turnpike projects shall be deemed and held to be an essential governmental function of the State.

The Board of Directors of the Authority (hereinafter in this Act sometimes called the "Board") shall be composed of directors, who shall occupy, respectively, places on the Board to be designated as Places 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12. The Directors who will occupy Places 2, 3, 5, 6, 8, 9, 10, 11, and 12 shall be appointed by the Governor, by and with the advice and consent of the Senate. Appointed Directors shall serve staggered terms of six (6) years with the terms of one-third of the members expiring on February 15 of each odd-numbered year. Each Director appointed to fill Places 2, 3, 5, 6, 8, 9, 10, 11, and 12 shall have been a resident of the State and of the County from which he shall have been appointed for a period of at least one (1) year prior to his appointment.

A person is not eligible for appointment to the Authority if the person has contributed more than \$1000 on behalf of the political candidacy of the Governor who makes the appointments under this Act. Appointments to the Authority shall be made without regard to the race, creed, sex, religion or national origin of the appointees.

The members of the Texas State Highway Commission at the time this Act becomes effective are hereby made Directors of said Authority and if for any reason said Texas State Highway Commission at such time because of vacancies is composed of less than three (3) members, then the person or persons appointed to fill such vacancies are hereby made Directors of said Authority. The Highway

Commissioners and their successors in office shall respectively and successively occupy Places 1, 4, and 7 on such Board. Each member of the Texas State Highway Commission shall serve ex officio as a member of the Board of Directors of such Authority. All Directors shall serve until their successors have been duly appointed and qualified, and vacancies in unexpired terms shall be promptly filled by the Governor.

All members of the Board of Directors shall be eligible for reappointment. All Directors shall have equal status and all Directors shall have a vote. Each member of the Board before entering upon his duties shall take an oath as provided by Section 1 of Article XVI of the Constitution of the State of Texas.

The Board shall elect one of the Directors as chairman and another as vice chairman, and shall elect a secretary and treasurer who need not be a member of the Board. Seven members of the Board shall constitute a quorum and the vote of a majority shall be necessary for any action taken by the Board. No vacancy in the membership of the Board shall impair the right of a quorum to exercise all the rights and perform all the duties of the Board.

Before the issuance of any turnpike revenue bonds under the provisions of this Act, each Director shall execute a surety bond in the penal sum of Twenty-five Thousand Dollars (\$25,000) and the secretary and treasurer shall execute a surety bond in the penal sum of Fifty Thousand Dollars (\$50,000), each surety bond to be conditioned upon the faithful performance of the duties of his office, to be executed by a surety company authorized to transact business in the State of Texas as surety and to be approved by the Governor and filed in the office of the Secretary of State. The expense of such bonds shall be paid by the Authority.

Each appointed Director may be removed by the Governor for misfeasance, malfeasance or willful neglect of duty, but only after reasonable notice and public hearing unless the notice and public hearing are in writing expressly waived. Failure of an appointed member to attend at least one-half of the regularly scheduled meetings held each year automatically removes such member and creates a vacancy on the Board.

The members of the Authority shall not be entitled to any additional compensation for their services, but each member shall be reimbursed for his actual expenses necessarily incurred in the performance of his duties. All expenses incurred in carrying out the provisions of this Act shall be payable solely from funds provided under the authority of this Act and no liability or obligation shall be incurred by the Authority hereunder beyond the extent to which moneys shall have been provided under the authority of this Act.

The Legislature imposes on any Director, who may be a member of the State Highway Commission the extra duties required hereunder.

2) On Page 5, after Line 1, add the following:

"A person who is required to register as a lobbyist under Chapter 422, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252-9c, Vernon's Texas Civil Statutes) may not act as the general counsel to the Authority or serve as a member of the Authority."

3) Amend the caption by substituting the following for Page 1, Lines 6 and 7:

"amending Sections 3, 3a and 21 and by adding Sections 16a, 21a, 21b, and 21c."

The amendment was read.

Senator Meier moved that the Senate do not concur in the House amendment, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on **S.B. 125** before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Meier, Chairman; Schwartz, Blake, Andujar and Howard.

SENATE BILL 1149 ON SECOND READING

The President laid before the Senate on its second reading and passage to engrossment with a substitute by Senator Schwartz to the pending amendment by Senator Mauzy:

S.B. 1149, Relating to the financing and conduct of primary elections.

Question - Shall the substitute for the pending amendment be adopted?

On motion of Senator Schwartz and by unanimous consent, the substitute for the pending amendment was withdrawn.

On motion of Senator Mauzy and by unanimous consent, the pending amendment was withdrawn.

Question recurring on the passage of the bill as amended to engrossment, the bill as amended was passed to engrossment by the following vote: Yeas 17, Nays 14.

Yeas: Andujar, Blake, Creighton, Farabee, Harris, Howard, Jones of Taylor, McKnight, Meier, Mengden, Moore, Ogg, Price, Santiesteban, Short, Snelson, Traeger.

Nays: Braecklein, Brooks, Clower, Doggett, Jones of Harris, Kothmann, Longoria, Mauzy, Parker, Patman, Schwartz, Truan, Vale, Williams.

MOTION TO PLACE COMMITTEE SUBSTITUTE HOUSE BILL 1161 ON SECOND READING

Senator Meier moved to suspend the regular order of business to take up for consideration at this time:

C.S.H.B. 1161, Relating to products liability.

The motion was lost by the following vote (Not receiving two-thirds vote of the Members of the Senate present): Yeas 19, Nays 12.

Yeas: Andujar, Blake, Braecklein, Brooks, Creighton, Farabee, Harris, Howard, Jones of Taylor, McKnight, Meier, Mengden, Moore, Ogg, Patman, Price, Short, Snelson, Traeger.

Nays: Clower, Doggett, Jones of Harris, Kothmann, Longoria, Mauzy, Parker, Santiesteban, Schwartz, Truan, Vale, Williams.

MESSAGE FROM THE HOUSE

House Chamber
May 22, 1979

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I AM DIRECTED BY THE HOUSE TO INFORM THE SENATE THAT
THE HOUSE HAS PASSED THE FOLLOWING:

HB 1688, A bill to be entitled An Act relating to the reimbursement of
certain hospital districts for services rendered to nonresident patients.

HB 2229, A bill to be entitled An Act relating to the commercial production
of wine.

HB 2146, A bill to be entitled An Act relating to providing adequate services
for the student union at The University of Texas at Austin; amending Chapter
67, Texas Education Code, as amended, by amending Sections 67.21, Subsection
(c); and declaring an emergency.

HB 1064, A bill to be entitled An Act relating to the election of members of
the board of trustees for certain school districts from single-member trustee
districts; amending Section 1 and Subsection (a), Section 3, Chapter 339, Acts of
the 52nd Legislature, Regular Session, 1951, as amended (Article 2774b,

HB 962, A bill to be entitled An Act relating to regulation of residential
service companies; providing penalties.

HB 1209, A bill to be entitled An Act relating to the prevention of drug
dependence and to the treatment and rehabilitation of drug-dependent persons
and persons incapacitated by controlled substances; providing a penalty.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE BILL 471 ON SECOND READING

Senator Blake moved to suspend the regular order of business to take up for
consideration at this time:

S.B. 471, Relating to longevity pay for certain state employees.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read second time.

Senator Traeger offered the following amendment to the bill:

Amend **S.B. 471** by striking all below the enacting clause and substituting
the following:

SECTION 1. Except as provided by Chapter 477, Acts of the 64th Legislature, Regular Session, 1975 (Article 6252-20a, Vernon's Texas Civil Statutes), each state employee covered by the Position Classification Act of 1961, each line item or exempt state employee, each regular full-time hourly employee of the state, and each regular full-time nonacademic employee of a state institution of higher education is entitled to longevity pay of \$4 per month for each year of service as an employee of the state up to and including 25 years of service. Such longevity pay is to commence at the end of the fifth year and to be increased at the end of each five years thereafter.

SECTION 2. This Act takes effect September 1, 1979.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The amendment was read and was adopted.

Senator Tracger offered the following amendment to the bill:

Amend **S.B. 471** by striking all above the enacting clause and substitute the following:

A BILL TO BE ENTITLED

AN ACT

relating to longevity pay for certain state employees.

The amendment was read and was adopted.

The bill as amended was passed to engrossment.

SENATE BILL 471 ON THIRD READING

Senator Blake moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 471** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Yeas: Andujar, Blake, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Short, Snelson, Traeger, Truan, Vale, Williams.

Nays: Price.

The bill was read third time and was passed.

RECORD OF VOTE

Senator Price asked to be recorded as voting "Nay" on the final passage of the bill.

HOUSE BILL 875 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 875, Relating to the reimbursement paid to a nonresident witness in a criminal case for travel and living expenses.

The bill was read second time and was passed to third reading.

HOUSE BILL 875 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 875** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed.

HOUSE BILL 1150 ON SECOND READING

On motion of Senator Snelson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1150, Relating to the procedure for contesting an election for the office of state senator or representative.

The bill was read second time.

Senator Snelson offered the following amendment to the bill:

Amend HB 1150 as follows:

In Section 1, strike the amended Section 150, Texas Election Code, as amended, and substitute the following:

150. GROUNDS OF CONTEST; SCOPE OF INQUIRY. ~~[WHO MAY TAKE SUCH DEPOSITIONS]~~ The grounds on which an election for the office of State Senator or Representative may be contested and the scope of inquiry of the contest are the same as that provided in Section 143 of this code. ~~[Any officer authorized by the law of this State to administer oaths, upon being satisfied as to any costs, including his own fees, that may accrue in the taking of such testimony, shall proceed upon the application of the party desiring it, to summon the witness or witnesses named in the interrogatories and take his or their answers in writing and under oath to such interrogatories and cross interrogatories as may be propounded in writing]~~

The amendment was read and was adopted.

On motion of Senator Snelson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

HOUSE BILL 1150 ON THIRD READING

Senator Snelson moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1150** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed.

HOUSE BILL 1733 ON SECOND READING

On motion of Senator Santiesteban and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1733, Relating to housing for persons and families of low and moderate income.

The bill was read second time and was passed to third reading.

HOUSE BILL 1733 ON THIRD READING

Senator Santiesteban moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1733** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 4.

Yeas: Andujar, Blake, Braecklein, Brooks, Clower, Farabee, Harris, Howard, Jones of Harris, Kothmann, Mauzy, McKnight, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Short, Snelson, Traeger, Truan, Vale, Williams.

Nays: Doggett, Jones of Taylor, Meier, Price.

Absent: Creighton, Longoria.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 4.

Yeas: Andujar, Blake, Braecklein, Brooks, Clower, Farabee, Harris, Howard, Jones of Harris, Kothmann, Longoria, Mauzy, McKnight, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Short, Snelson, Traeger, Truan, Vale, Williams.

Nays: Doggett, Jones of Taylor, Meier, Price.

Absent: Creighton.

HOUSE BILL 1876 ON SECOND READING

On motion of Senator Braecklein and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1876, Authorizing cities and counties to create and utilize public nonprofit corporations for the purpose of providing a means of financing the cost of residential ownership and development that will provide decent, safe, and sanitary housing for residents.

The bill was read second time and was passed to third reading.

HOUSE BILL 1876 ON THIRD READING

Senator Braecklein moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1876** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 2.

Yeas: Andujar, Blake, Braecklein, Brooks, Clower, Doggett, Farabee, Harris, Jones of Harris, Kothmann, Longoria, Mauzy, McKnight, Mengden, Moore, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Truan, Valc, Williams.

Nays: Howard, Meier.

Absent: Creighton, Jones of Taylor.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 1.

Yeas: Andujar, Blake, Braecklein, Brooks, Clower, Doggett, Farabee, Harris, Howard, Jones of Harris, Kothmann, Longoria, Mauzy, McKnight, Mengden, Moore, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Truan, Valc, Williams.

Nays: Meier.

Absent: Creighton, Jones of Taylor.

HOUSE BILL ON FIRST READING

The following bill received from the House was read the first time and referred to the Committee indicated:

H.B. 962, To Committee on Economic Development.

COMMITTEE SUBSTITUTE HOUSE BILL 306 ON SECOND READING

On motion of Senator Moore and by unanimous consent, the regular order of business and Senate Rule 74 were suspended to take up for consideration of this time on its second reading and passage to third reading:

C.S.H.B. 306, Relating to benefits payable by the Employees Retirement System of Texas to certain annuitants.

The bill was read second time and was passed to third reading.

**COMMITTEE SUBSTITUTE HOUSE BILL 306
ON THIRD READING**

Senator Moore moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.H.B. 306** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent: Creighton.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE HOUSE BILL 2084
ON SECOND READING**

On motion of Senator Moore and by unanimous consent, the regular order of business and Senate Rule 74 were suspended to take up for consideration at this time on its second reading and passage to third reading:

C.S.H.B. 2084, Amending Chapter 3 of the Texas Education Code with respect to the Teacher Retirement System of Texas; increasing the retirement, death, disability, and survivor benefits of annuitants; and declaring an emergency.

The bill was read second time and was passed to third reading.

**COMMITTEE SUBSTITUTE HOUSE BILL 2084
ON THIRD READING**

Senator Moore moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.H.B. 2084** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 671 ON SECOND READING

On motion of Senator Howard and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 671, Amending the Penal Code (Acts 1973, 63rd Legislature, Regular Session, Chapter 399), as amended, by adding a new Section 12.46, providing for use of prior convictions for enhancement purposes, and declaring an emergency.

The bill was read second time and was passed to third reading.

HOUSE BILL 671 ON THIRD READING

Senator Howard moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 671** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE SENATE BILL 1224
ON SECOND READING**

On motion of Senator Snelson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1224, Relating to establishing a program of early childhood intervention services.

The bill was read second time and was passed to engrossment.

**COMMITTEE SUBSTITUTE SENATE BILL 1224
ON THIRD READING**

Senator Snelson moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1224** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed.

HOUSE BILL 1955 ON SECOND READING

On motion of Senator Traeger and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1955, Relating to the collection of the cigarette tax on certain cigarettes imported into the state.

The bill was read second time.

Senator Traeger offered the following committee amendment to the bill:

Amend H.B. No. 1955 at Section 4, page 5, line 15 by inserting, after the word "Comptroller", the language "and the Texas Alcoholic Beverage Commission".

The committee amendment was read and was adopted.

On motion of Senator Traeger and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

HOUSE BILL 1955 ON THIRD READING

Senator Traeger moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1955** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 1275 ON SECOND READING

Senator Farabee asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

H.B. 1275, Relating to certain evidence of a conviction of driving while intoxicated or driving while under the influence of drugs.

There was objection.

Senator Farabee then moved to suspend the regular order of business and take up **H.B. 1275** for consideration at this time.

The motion prevailed by the following vote: Yeas 22, Nays 4.

Yeas: Andujar, Blake, Braecklein, Brooks, Doggett, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Meier, Mengden, Ogg, Price, Santiesteban, Schwartz, Short, Traeger, Truan, Williams.

Nays: Clower, Mauzy, Parker, Patman.

Absent: Creighton, McKnight, Moore, Snelson, Vale.

The bill was read second time and was passed to third reading.

RECORD OF VOTE

Senator Mauzy asked to be recorded as voting "Nay" on the passage of the bill to third reading.

HOUSE BILL 1275 ON THIRD READING

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1275** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 23, Nays 4.

Yeas: Andujar, Blake, Braecklein, Brooks, Doggett, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Meier, Mengden, Ogg, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Truan, Williams.

Nays: Clower, Mauzy, Parker, Patman.

Absent: Creighton, McKnight, Moore, Vale.

The bill was read third time and was passed.

RECORD OF VOTES

Senators Mauzy, Clower, Parker and Patman asked to be recorded as voting "Nay" on the final passage of the bill.

**COMMITTEE SUBSTITUTE HOUSE BILL 860
ON SECOND READING**

On motion of Senator Mengden and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C.S.H.B. 860, Relating to reimbursement for dental services under certain health insurance policies.

The bill was read second time and was passed to third reading.

**COMMITTEE SUBSTITUTE HOUSE BILL 860
ON THIRD READING**

Senator Mengden moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.H.B. 860** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent: Creighton, McKnight.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0.

Absent: Creighton, McKnight, Moore.

HOUSE BILL 918 ON SECOND READING

On motion of Senator Vale and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 918, Relating to procedures for filing as an independent candidate in an election.

The bill was read second time and was passed to third reading.

HOUSE BILL 918 ON THIRD READING

Senator Vale moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 918** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent: Creighton, McKnight, Moore.

The bill was read third time and was passed.

**COMMITTEE SUBSTITUTE
HOUSE JOINT RESOLUTION 54 ON SECOND READING**

On motion of Senator Farabee and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C.S.H.J.R. 54, Proposing a constitutional amendment allowing spouses to agree that income or property arising from separate property is to be separate property.

The resolution was read second time and was passed to third reading by the following vote: Yeas 26, Nays 0.

Absent: Creighton, Harris, Jones of Taylor, Moore, Snelson.

**COMMITTEE SUBSTITUTE
HOUSE JOINT RESOLUTION 54 ON THIRD READING**

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.H.J.R. 54** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 0. (Same as previous roll call)

The resolution was read third time and was passed by the following vote: Yeas 26, Nays 0. (Same as previous roll call)

SENATE BILL 1046 ON SECOND READING

On motion of Senator Ogg and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1046, Relating to testing for hypothyroidism in newborn infants.

The bill was read second time and was passed to engrossment.

SENATE BILL 1046 ON THIRD READING

Senator Ogg moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 1046** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent: Creighton, Harris, Moore.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

**MOTION TO PLACE
COMMITTEE SUBSTITUTE HOUSE BILL 1176
ON SECOND READING**

Senator Ogg asked unanimous consent to suspend the regular order of business and Senate Rule 74 to take up for consideration at this time:

C.S.H.B. 1176, Authorizing a city, county, school district, conservation and reclamation district, hospital organization, and any other political subdivision of the State of Texas to enter into contracts for the use, acquisition, or purchase of property; authorizing the payment of such contracts from taxes or revenues; providing for payment of interest on such contracts; providing for compliance with other Acts, but not requiring referendum; providing for approval of the contracts by the attorney general and registration by the comptroller; providing for incontestability; making other provisions and giving the Act cumulative effect.

There was objection.

Senator Ogg then moved to suspend the regular order of business and take up **C.S.H.B. 1176** for consideration at this time.

The motion was lost by the following vote (Not receiving two-thirds vote of the Members of the Senate present): Yeas 15, Nays 8.

Yeas: Andujar, Blake, Braecklein, Brooks, Farabee, Kothmann, Longoria, McKnight, Meier, Ogg, Price, Schwartz, Short, Traeger, Williams.

Nays: Clower, Doggett, Jones of Harris, Mauzy, Mengden, Parker, Patman, Truan.

Absent: Creighton, Harris, Howard, Jones of Taylor, Moore, Santiesteban, Snelson, Vale.

SENATE RESOLUTION 597

Senator McKnight offered the following resolution:

WHEREAS, S.B. No. 910, relating to the regulation of permanent storage or disposal of radioactive materials, has passed both houses and is in conference committee; and

WHEREAS, Penalties provided by the law amended by the bill are not adequate for serious violations; and

WHEREAS, The bill as passed by both houses fails to protect the people of this state against storage of high-level radioactive wastes; now, therefore, be it

RESOLVED by the Senate of the State of Texas, That Senate Rule 96(a) is hereby suspended in order that the conference committee on S.B. No. 910 be permitted to make the following changes in and additions to S.B. No. 910:

- (1) increase penalties for violations of the Act;
- (2) prohibit concentration, storage, or disposal of high-level radioactive wastes in sites licensed by the Texas Department of Health to concentrate, store, or dispose of radioactive materials; and
- (3) provide for a special interim study by the Senate Natural Resources Committee in order to investigate all aspects of disposal of low-level radioactive wastes and for a report of the study to the 67th Legislature.

McKNIGHT
SCHWARTZ

The resolution was read.

Senator McKnight moved that the rules be suspended in order to consider the resolution immediately.

On motion of Senator McKnight and by unanimous consent, the motion to suspend the rules was withdrawn.

HOUSE BILL 1704 ON SECOND READING

On motion of Senator Meier and by unanimous consent, the regular order of business and Senate Rule 74 were suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1704, Relating to the boundaries of state representative districts 32C and 32D.

The bill was read second time and was passed to third reading.

HOUSE BILL 1704 ON THIRD READING

Senator Meier moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1704** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent: Creighton, Moore.

The bill was read third time and was passed.

HOUSE BILL 2038 ON SECOND READING

On motion of Senator McKnight and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 2038, Relating to the sale and distribution of and the means, methods, and fees for the catching of fish, shrimp, oysters, and other aquatic life and to related criminal and civil penalties.

The bill was read second time.

Senator McKnight offered the following committee amendment to the bill:

Amend **H.B. 2038** as follows:

1. Amend Section 1 of HB 2038 by inserting the words "and hybrids of striped bass" after the words "striped bass" on line 11.
2. Delete the present Section 3, line 20, of the bill, and replace it with a new Section 3 to read as follows:
"SECTION 3. Chapter 312, Parks and Wildlife Code, is amended by adding Section 312.002 to read as follows:

"Sec. 312.002. Regulatory Act: Aquatic Life. The Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to all aquatic life in Smith County."

The committee amendment was read and was adopted.

On motion of Senator McKnight and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

HOUSE BILL 2038 ON THIRD READING

Senator McKnight moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 2038** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent: Creighton, Meier, Moore.

The bill was read third time and was passed.

HOUSE BILL 31 REREFERRED

On motion of Senator Farabee and by unanimous consent, **H.B. 31** was withdrawn from the Committee on Intergovernmental Relations and rereferred to the Committee on Jurisprudence.

HOUSE BILL 1816 ON SECOND READING

On motion of Senator Schwartz and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1816, Relating to amendment of the Natural Resources Code to make corrections and to conform to legislation enacted during the Regular Session of the 65th Legislature.

The bill was read second time and was passed to third reading.

RECORD OF VOTE

Senator Patman asked to be recorded as voting "Nay" on the passage of the bill to third reading.

HOUSE BILL 1816 ON THIRD READING

Senator Schwartz moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1816** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Yeas: Andujar, Blake, Braecklein, Brooks, Clower, Doggett, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Mauzy,

McKnight, Mengden, Ogg, Parker, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Truan, Vale, Williams.

Nays: Patman.

Absent: Creighton, Meier, Moore.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 1. (Same as previous roll call)

**COMMITTEE SUBSTITUTE SENATE BILL 1318
ON SECOND READING**

On motion of Senator Doggett and by unanimous consent, the regular order of business and Senate Rule 74 were suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1318, Relating to the management and financing of combined municipal water, sewer, and electric utility systems in certain cities.

The bill was read second time and was passed to engrossment.

**COMMITTEE SUBSTITUTE SENATE BILL 1318
ON THIRD READING**

Senator Doggett moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1318** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent: Creighton, Meier, Moore.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

MOTION TO PLACE HOUSE BILL 1146 ON SECOND READING

Senator Howard moved to suspend the regular order of business to take up for consideration at this time:

H.B. 1146, Relating to the custody, control, operation, and maintenance of aircraft owned or leased by the state.

The motion was lost by the following vote (Not receiving two-thirds vote of the Members of the Senate present): Yeas 13, Nays 13.

Yeas: Blake, Brooks, Farabee, Howard, Jones of Harris, Longoria, Mengden, Patman, Price, Schwartz, Short, Snelson, Traeger.

Nays: Andujar, Braecklein, Clower, Creighton, Doggett, Kothmann, Mauzy, McKnight, Moore, Santiesteban, Truan, Vale, Williams.

Absent: Harris, Jones of Taylor, Meier, Ogg, Parker.

SENATE JOINT RESOLUTION 7 WITH HOUSE AMENDMENTS

Senator Schwartz called **S.J.R. 7** from the President's table for consideration of the House amendments to the resolution.

The President laid the resolution and the House amendments before the Senate.

Amendment No. 1 - Brown

Substitute the following for S.J.R. No. 7:

A JOINT RESOLUTION

proposing a constitutional amendment to repeal and prohibit all state ad valorem taxes on any property within this state by amending Article VIII, Section 1-e, of the Texas Constitution; to amend Article III, Section 49, of the Texas Constitution to prohibit the creation of a general state debt unless approved by a two-thirds vote of the membership of each house of the legislature and by a majority of the qualified voters of the state voting on the question: to establish the State Higher Education Assistance Fund by amending Article VII, Section 17, of the Texas Constitution; and to amend Article VII, Section 18, of the Texas Constitution relating to the permanent University Fund.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. That Article VIII, Section 1-e, of the Texas Constitution be amended to read as follows:

Sec. 1-e. 1. ~~No [From and after December 31, 1978, no] state ad valorem taxes shall be levied upon any property within this State after December 31, 1979 [for State purposes except the tax levied by Article VII, Section 17, for certain institutions of higher learning].~~

2. ~~All receipts from previously authorized state ad valorem taxes for the years beginning January 1, 1978 and January 1, 1979 and delinquent taxes received for those years and prior years shall be deposited in the State Higher Education Assistance Fund on December 1, 1979. [The State ad valorem tax authorized by Article VII, Section 3, of this Constitution shall be imposed at the following rates on each One Hundred Dollars (\$100.00) valuation for the years 1968 through 1974. On January 1, 1968, Thirty five Cents (35¢), on January 1, 1969, Thirty Cents (30¢), on January 1, 1970, Twenty five Cents (25¢), on January 1, 1971, Twenty Cents (20¢), on January 1, 1972, Fifteen Cents (15¢), on January 1, 1973, Ten Cents (10¢), on January 1, 1974, Five Cents (5¢), and thereafter no such tax for school purposes shall be levied and collected. An amount sufficient to provide free text books for the use of children attending the public free schools of this State shall be set aside from any revenues deposited in the Available School Fund, provided, however, that should such funds be insufficient, the deficit may be met by appropriation from the general funds of the State.]~~

~~[3. The State ad valorem tax of Two Cents (2¢) on the One Hundred Dollars valuation levied by Article VII, Section 17, of this Constitution shall not be levied after December 31, 1976. At any time prior to December 31, 1976, the Legislature may establish a trust fund solely for the benefit of the widows of Confederate veterans and such Texas Rangers and their widows as are eligible for retirement or disability pensions under the provisions of Article XVI, Section 66, of this Constitution, and after such fund is established the ad valorem tax levied by Article VII, Section 17, shall not thereafter be levied.]~~

~~[4. Unless otherwise provided by the Legislature, after December 31, 1976 all delinquent State ad valorem taxes together with penalties and interest thereon,~~

~~less lawful costs of collection, shall be used to secure bonds issued for permanent improvements at institutions of higher learning, as authorized by Article VII, Section 17, of this Constitution.]~~

3. ~~[5-]~~ The fees paid by the State for both assessing and collecting State ad valorem taxes shall not exceed two per cent (2%) of the State taxes collected. This subsection shall be self-executing.

SECTION 2. That Article VII, Section 17, of the Texas Constitution be amended by striking Section 17 entirely and substituting the following:

Sec. 17(a) The State Higher Education Assistance Fund is hereby created as a special fund in the State Treasury for the benefit of the following state institutions which shall receive annual allotments from the Fund:

- (1) Angelo State University;
- (2) East Texas State University, including East Texas State University at Commerce and East Texas State University at Texarkana;
- (3) Lamar University, including Lamar University at Beaumont, Lamar University at Orange, and Lamar University at Port Arthur;
- (4) Midwestern State University;
- (5) North Texas State University and Texas College of Osteopathic Medicine at Fort Worth;
- (6) Pan American University, including Pan American University at Edinburg and Pan American University at Brownsville;
- (7) Sam Houston State University;
- (8) Southwest Texas State University;
- (9) Stephen F. Austin State University;
- (10) Sul Ross State University;
- (11) Texas Southern University;
- (12) Texas Woman's University;
- (13) Texas Tech University and Texas Tech University Health Sciences Center;
- (14) University of Houston System, including University of Houston at Houston, University of Houston Downtown College at Houston, University of Houston at Clear Lake City, and University of Houston Victoria Center at Victoria;
- (15) University System of South Texas, including Texas A&I University at Kingsville, Corpus Christi State University at Corpus Christi, and Laredo State University at Laredo; and
- (16) West Texas State University.

(b) The State ad valorem taxes collected for the year beginning January 1, 1978, and deposited in the State Higher Education Assistance Fund are hereby appropriated for the fiscal year beginning September 1, 1979. The state ad valorem taxes collected for the year beginning January 1, 1979, and delinquent taxes received for that year and prior years that are deposited in the State Higher Education Assistance Fund are hereby appropriated for the fiscal year beginning September 1, 1980. Commencing with the fiscal year beginning September 1, 1981, and for each fiscal year thereafter, the legislature shall appropriate from the State Treasury to the State Higher Education Assistance Fund an amount equal to the sum that is or would be appropriated by the operation of Article VII, Section 18, of the Texas Constitution for such fiscal year to The Texas A & M University and The University of Texas Systems for the purpose of paying the principal and interest that is or would be due on the maximum of bonds and notes that could be issued by those Systems under the authority of Article VII, Section 18, of the Texas Constitution; provided that in no event shall the annual appropriation from the State Treasury to the Fund be less than Forty-one Million Dollars or more than Sixty-five Million Dollars.

(c) At or for the State institutions designated in this Section, the State Higher Education Assistance Fund may be used for the purpose of acquiring land either with or without permanent improvements, constructing, equipping, repairing, and rehabilitating buildings or other permanent improvements, and refunding any bonds or notes issued under this Section, except that without the prior approval of the legislature or of such agency as may be authorized by the legislature to grant such approval, the Fund may not be used for the purpose of constructing, equipping, repairing, or rehabilitating buildings or other permanent improvements that are to be used for student housing or intercollegiate athletics.

(d) The governing board of each institution designated in this Section is authorized to pledge all or any part of the amounts of the Fund allotted to the institution to secure the payment of the principal and interest of bonds or notes issued for any of the purposes set forth in Subsection (c) of this Section at the institution. The bonds and notes shall be issued in amounts determined by the governing board of each institution, be payable solely out of the amounts of the Fund allotted to the institution as herein provided, mature serially or otherwise in not more than 10 years from their respective dates, and be sold only through competitive bidding. All bonds and notes issued under this Section are subject to the approval of the Attorney General of Texas, and when so approved, are incontestable.

(e) On December 1, 1979, for the fiscal year beginning September 1, 1979, and for each succeeding fiscal year on August 15th preceding that year, the State Comptroller of Public Accounts shall allot to each state institution of higher education designated in this Section its share of the State Higher Education Assistance Fund for the fiscal year based on the following formula:

(1) 75 percent of the Fund shall be allocated to herein designated institutions based on the projected total enrollments of those institutions during the 10 years following the allotment date, using the projected enrollments developed and furnished by the Coordinating Board, Texas College and University System; and

(2) 25 percent of the Fund shall be allotted to the herein designated institutions based on space needs as determined by the Coordinating Board, Texas College and University System.

(f) Notwithstanding any provision in this Section, for no fiscal year may the sum allotted to any state institution designated in this Section be less than is needed by the institution during the fiscal year to discharge its obligations on outstanding bonds and notes issued by the institution pursuant to this Section.

(g) Other than the appropriations from the State Higher Education Assistance Fund, the state systems and institutions designated in this Section may not receive any funds from the State Treasury for acquiring land either with or without permanent improvements, for constructing or equipping permanent improvements, or for major repair or rehabilitation of existing permanent improvements, except that in the case of fire or natural disaster the Legislature may appropriate from the State Treasury an amount sufficient to replace an uninsured loss so incurred. This paragraph does not apply to legislative appropriations made prior to the adoption of this amendment.

(h) This Section is self-enacting on the issuance of the Governor's proclamation declaring the adoption of this amendment, and the State Comptroller of Public Accounts and the State Treasurer shall do all things necessary to effectuate this Section. This Section does not impair any obligation created by the issuance of bonds or notes in accordance with prior law, and all outstanding bonds and notes shall be paid in full, both principal and interest, in accordance with their terms. Any provision of the Texas Constitution in conflict with this Section is repealed to the extent of the conflict.

SECTION 3. That Article VII, Section 18, of the Texas Constitution be amended by striking Section 18 entirely and substituting the following:

Sec. 18. (a) The board of regents of The Texas A & M University System may issue bonds and notes not to exceed a total cumulative amount of 10 percent of the cost value of the investments and other assets of the Permanent University Fund (exclusive of real estate) at the time of the issuance thereof, and may pledge all or any part of its one-third interest in the Available University Fund to secure the payment of the principal and interest of those bonds and notes, for the purpose of acquiring land either with or without permanent improvements, constructing, equipping, repairing, or rehabilitating buildings or other permanent improvements, acquiring educational capital equipment and library books and library materials, and refunding bonds or notes issued under this Section or prior law, at or for The Texas A & M University System and the following component institutions of the system:

(1) Texas A & M University at College Station, including its existing medical programs which the legislature may authorize as a separate medical institution;

(2) Tarleton State University at Stephenville;

(3) Prairie View A & M University at Prairie View;

(4) Texas A & M University at Galveston (formerly Moody College of Marine Sciences and Maritime Resources);

(5) Texas Forest Service;

(6) Texas Agricultural Experiment Stations;

(7) Texas Agricultural Extension Service;

(8) Texas Engineering Experiment Stations; and

(9) Texas Engineering Extension Service.

(b) The board of regents of The University of Texas System may issue bonds and notes not to exceed a total cumulative amount of 20 percent of the cost value of investments and other assets of the Permanent University Fund (exclusive of real estate) at the time of issuance, and may pledge all or any part of its two-thirds interest in the Available University Fund to secure the payment of the principal and interest of those bonds and notes, for the purpose of acquiring land either with or without permanent improvements, constructing, equipping, repairing, or rehabilitating buildings or other permanent improvements, acquiring educational capital equipment and library books and library materials, and refunding bonds or notes issued under this Section or prior law, at or for The University of Texas System administration and the following component institutions of the system:

(1) The University of Texas at Arlington;

(2) The University of Texas at Austin;

(3) The University of Texas at Dallas;

(4) The University of Texas at El Paso;

(5) The University of Texas of the Permian Basin;

(6) The University of Texas at San Antonio;

(7) The University of Texas at Tyler;

(8) The University of Texas Health Science Center at Dallas;

(9) The University of Texas Medical Branch at Galveston;

(10) The University of Texas Health Science Center at Houston;

(11) The University of Texas Health Science Center at San Antonio;

(12) The University of Texas System Cancer Center;

(13) The University of Texas Health Center at Tyler; and

(14) The University of Texas Institute of Texan Cultures at San Antonio.

(c) Without the prior approval of the legislature or an agency authorized by the legislature to grant the approval, the proceeds of the bonds or notes issued

under Subsection (a) or (b) of this Section may not be used for the purpose of constructing, equipping, repairing, or rehabilitating buildings or other permanent improvements that are to be used for student housing or intercollegiate athletics.

(d) The Available University Fund consists of the dividends, interest, and other income, less administrative expense, of the Permanent University Fund, exclusive of net income attributable to surface leases of Permanent University Fund land. Out of one-third of the Available University Fund, there shall be appropriated an annual sum sufficient to pay the principal and interest due on the bonds and notes issued by the board of regents of The Texas A & M University System under this Section and prior law, and the remainder of that one-third of the Available University Fund shall be appropriated for the support and maintenance of Texas A & M University at College Station and The Texas A & M University System administration. Out of the other two-thirds of the Available University Fund, there shall be appropriated an annual sum sufficient to pay the principal and interest due on the bonds and notes issued by the board of regents of The University of Texas System under this Section and prior law, and the remainder of such two-thirds of the Available University Fund, plus the income, less administrative expense, from surface leases of Permanent University Fund land, shall be appropriated for the support and maintenance of The University of Texas at Austin and The University of Texas System Administration.

(e) The bonds and notes issued under this Section shall be payable solely out of the Available University Fund, mature serially or otherwise in not more than 30 years from their respective dates, and be sold only through competitive bidding. All of these bonds and notes are subject to approval by the Attorney General and when so approved are incontestable. The Permanent University Fund may be invested in these bonds and notes.

(f) Other than the appropriations required in this Section from the Available University Fund, the state systems and institutions of higher education designated in this Section may not receive any funds from the State Treasury for acquiring land with or without permanent improvements, for constructing or equipping permanent improvements, or for major repair and rehabilitation of existing permanent improvements, except that in the case of fire or natural disaster the legislature may appropriate from the State Treasury an amount sufficient to replace any uninsured loss so incurred. This subsection does not apply to legislative appropriations made prior to the adoption of this amendment.

(g) This Section is self-enacting on the issuance of the Governor's proclamation declaring the adoption of this amendment, and the State Comptroller of Public Accounts and the State Treasurer shall do all things necessary to effectuate this Section. This Section does not impair any obligation created by the issuance of bonds or notes in accordance with prior law, and all outstanding bonds and notes shall be paid in full, both principal and interest, in accordance with their terms. Any provision of the Texas Constitution in conflict with this Section is repealed to the extent of the conflict.

SECTION 4. That Article III, Section 49, of the Texas Constitution be amended to read as follows:

Sec. 49. (a) State debt may not be incurred except as authorized by this constitution.

(b) "State debt" means bonds or other evidences of indebtedness that are secured by the general credit of the state or are to be repaid from taxes, fees, tuition, or other charges of the state, a state senior college or university, or a state agency or institution having statewide jurisdiction. "State debt" does not include bonds or other evidences of indebtedness issued to finance a project if the

debt (1) is authorized by law and is payable solely from revenues generated by the project to be financed or projects auxiliary thereto or (2) is authorized by Article 55.17 of the Texas Education Code as now or hereafter amended.

(c) Unless authorized by this constitution, state debt may not be authorized by law unless approved by a record affirmative two-thirds vote of the membership of each house of the legislature and submitted to and approved by a majority of the qualified voters of the state voting on the question.

(d) State debt may be authorized by law to refund outstanding state debt.

~~[No debt shall be created by or on behalf of the State, except to supply casual deficiencies of revenue, repel invasion, suppress insurrection, defend the State in war, or pay existing debt, and the debt created to supply deficiencies in the revenue, shall never exceed in the aggregate at any one time two hundred thousand dollars.]~~

SECTION 5. This proposed constitutional amendment shall be submitted to the voters at an election to be held on November 6, 1979. The ballots shall be printed to provide for voting for or against the proposition: "The constitutional amendment to repeal and prohibit all state ad valorem taxes on any property within this state, to prohibit the creation of a general state debt unless approved by a two-thirds vote of the membership of each house of the legislature and by a majority of the qualified voters of the state voting on the question, to amend Article VII, Section 17, of the Texas Constitution to establish the State Higher Education Assistance Fund, and to amend Article VII, Section 18 of the Texas Constitution relating to the Permanent University Fund."

Amendment No. 2 - Schlacter

Amend CSSJR 7 by striking all of Section 4 on Page 9.

Amendment No. 3 - Rains

Amend CSSJR 7 by changing the following:

(1) Strike "75 percent" in subsection (1) on page 5 and substitute "60 percent."

(2) Strike "25 percent" in subsection (2) on page 5 and substitute "40 percent."

Amendment No. 4 - Gaston

C.S.S.J.R. No. 7 is amended as follows:

On page 5, add at line 21:

(h) Nothing in this section shall prohibit the legislature from review of all proposed uses of the state funds in the SHEAF.

On page 5, re-letter the subsequent subsection.

Amendment No. 5 - Thompson, Washington

Amend CSSJR 7 by adding the following language at the end of Section 3, subsection (a) on page 6:

"60 percent of the fund shall be allocated to herein designated institutions based on the total projected enrollments of the Texas A&M System institutions, using the projected enrollments developed by the coordinating board; and 40 percent of the fund shall be allotted to the herein designated institutions based on space needs as determined by the Coordinating Board, Texas College and University System;"

provided, however, that Prairie View A&M University is to receive, unencumbered, at least 1/6 of the proceeds from the issuance of the aforesaid bonds and notes; so that the remainder of the Texas A&M University System and components will receive a cumulative share of not more than 5/6 of the proceeds from the issuance of the aforesaid bonds and notes; the following are the component institutions of the Texas A&M University System:

and strike the word "following" and the colon after "system" in item (a), Sec. 18, Line 14.

Amendment No. 6 - Schlueter, Brown

Amend Section 2 of SJR 7 by adding a new section (1) as follows:

(1) The legislature may provide by law for the establishment and financing of an endowment fund for the benefit of the State Higher Education Assistance Fund, and the appropriations from the State Treasury that would otherwise be made to the State Higher Education Assistance Fund under this section shall be reduced to the extent that net income from the endowment fund is deposited in the State Higher Education Assistance Fund for the use of its beneficiary institutions.

The amendments were read.

Senator Schwartz moved that the Senate do not concur in the House amendments, but that a Conference Committee be appointed to adjust the differences between the two Houses on the resolution.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on **S.J.R. 7** before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate on the resolution: Senators Schwartz, Chairman; Brooks, Howard, Moore and Santiesteban.

MEMORIAL RESOLUTIONS

S.R. 592 - By Snelson: Memorial resolution for Bailey B. Ratliff.

S.R. 593 - By Snelson: Memorial resolution for Mrs. Gertrude Mae Warnock.

S.R. 598 - By Farabee: Memorial resolution for Dr. E. O. Nichols, Sr.

WELCOME AND CONGRATULATORY RESOLUTIONS

H.C.R. 169 - (Doggett): Extending congratulations to Carl T. Widen.

H.C.R. 206 - (Traeger): Extending congratulations to the U.S. Coast Guard Auxiliary on its 40th anniversary.

H.C.R. 212 - (Doggett): Extending congratulations to Dr. Laurence DeFec Haskew.

S.R. 589 - By Ogg: Extending congratulations to Richard William Schafer.

S.R. 590 - By Schwartz: Extending congratulations to Mark Annett.

S.R. 591 - By Snelson: Extending congratulations to the Kimble County Chamber of Commerce, the citizens of Junction, and Coach "Bear" Bryant.

S.R. 594 - By Ogg: Extending congratulations to Angela Kay Rodesney.

S.R. 595 - By Doggett: Extending congratulations to Robert L. Huttenmaier.

S.R. 596 - By Jones of Taylor: Designating Marcus Warren Watson as Honorary Page for the day.

S.R. 607 - By Clower: Extending congratulations to Diana and George Henry.

S.R. 608 - By Clower: Extending congratulations to James Stanley Reid.

S.R. 609 - By Clower: Extending congratulations to Michael Lee Donovan.

S.R. 610 - By Clower: Extending congratulations to Mary Jane and Mark Phelps.

S.R. 611 - By Clower: Extending congratulations to Diana Litzenberg Henry.

S.R. 612 - By Clower: Extending congratulations to Kathleen and Maxie Bell.

ADJOURNMENT

On motion of Senator Moore the Senate at 6:04 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

APPENDIX

Signed by Governor

(May 17, 1979)

S.C.R. 47
S.C.R. 54
S.C.R. 62
H.C.R. 81
H.C.R. 160
H.C.R. 164
H.C.R. 165
H.C.R. 166
H.C.R. 167
H.C.R. 188
H.C.R. 194
H.C.R. 196
H.C.R. 197
H.C.R. 199
H.C.R. 201

S.B. 21	Sections 14 and 15 effective September 1, 1979 Sections 1 through 13 January 1, 1980
S.B. 114	Effective August 27, 1979
S.B. 116	Effective September 1, 1979
S.B. 123	Effective September 1, 1979
S.B. 131	Effective August 27, 1979
S.B. 142	Effective immediately
S.B. 156	Effective August 27, 1979
S.B. 218	Effective immediately
S.B. 259	Effective August 27, 1979
S.B. 288	Effective January 1, 1980
S.B. 301	Effective August 27, 1979
S.B. 358	Effective August 27, 1979
S.B. 387	Effective August 27, 1979
S.B. 390	Effective August 27, 1979
S.B. 425	Effective immediately
S.B. 442	Effective August 27, 1979
S.B. 447	Effective August 27, 1979
S.B. 494	Effective immediately
S.B. 518	Effective September 1, 1979
S.B. 527	Effective August 27, 1979
S.B. 548	Effective August 27, 1979
S.B. 557	Effective August 27, 1979
S.B. 586	Effective September 1, 1979
S.B. 620	Effective August 27, 1979
S.B. 649	Effective August 27, 1979
S.B. 729	Effective immediately
S.B. 737	Effective immediately
S.B. 833	Effective immediately
S.B. 843	Effective January 1, 1980
S.B. 890	Effective August 27, 1979
S.B. 1035	Effective August 27, 1979